

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **Consideration, discussion and possible action regarding approval of minutes from Special Called Meeting of October 8, 2015 and Regular Council Meeting of October 27, 2015.**
2. Party Making Request: **City Secretary, Ann Franklin**
3. Nature of Request: (Brief Overview) Attachments: Yes **X** No

This is to receive approval of accuracy from Council for the minutes recorded during the October 13, 2015 Council Meeting.

4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A
- Bid Amount: _____ Budgeted Amount: _____
- Under Budget: _____ Over Budget: _____
- Amount Remaining: _____

6. Alternate Option/Costs: _____

- | 7. Routing: | <u>NAME/TITLE</u> | <u>INITIAL</u> | <u>DATE</u> | <u>CONCURRENCE</u> |
|-------------|-------------------|----------------|-------------|--------------------|
| a) | | | | |
| b) | | | | |
| c) | | | | |

8. Staff Recommendation: Approval

9. Advisory Board: Approved Disapproved None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
OCTOBER 8, 2015**

The Bastrop City Council met in a Regular Meeting on Tuesday, October 8, 2015 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Council Members Kelly Gilleland, Kay Garcia McAnally and Gary Schiff.

CALL TO ORDER

At 5:12 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Mayor Pro Tem DeLaRosa and Council Member Jackson were absent.

2. **Consideration, discussion and possible action on approving a resolution of the Bastrop City Council expressing its ongoing support and continued authorization for the City Manager's, the City's Consultant's and the City Attorney's work to apply for and obtain a production permit from the Lost Pines Groundwater Conservation District for a municipal water well; ratifying all past actions by the City Manager, City Consultants and City Attorney taken to accomplish this objective; and providing continued support and authorization for all necessary future actions to succeed with obtaining the necessary permits and approvals to allow the City's permitting, drilling, and operation of its water wells to access groundwater owned by the City.**

City Manager Talbot gave a brief summary – The City is in the discovery phase of the hearing which is scheduled for November 9, 2015 regarding the permit for 2,000 acre feet of water with the Groundwater District.

Things that have transpired:

- City Manager's deposition has been taken.
- Consultant's deposition has been taken.
- During the course of this the opposing side has been taking depositions and filing pleadings with the judge just as the City has.

The opposing side is trying to infer that this was all done in a vacuum and this resolution contradicts that statement. The attorney felt that it would be good to put this resolution in the filings with judge.

Mayor Kesselus stated that his observation is that what the City Manager stated is true, the Council has supported this all along and will continue to support this. Council Member Schiff stated that the only issue he takes with this is that it states history that happened before he was involved. He asked the question as to whether there is a legal issue with this. J.C. Brown, City Attorney replied "There is not, you are ratifying what you are aware of but in addition there are minutes to prove all of this up to the prior authorizations ongoing and Councils are often called upon to ratify." Council Member Schiff stated that he was satisfied with this answer.

Council Member Gilleland made the motion to approve the resolution, seconded by Council Member McAnally. The motion was approved on a 3-0 vote. Mayor Pro Tem DeLaRosa and Council Member Jackson were absent.

ADJOURNMENT

Mayor Kesselus adjourned the meeting at 5:17 without objection with a role call.

SPECIAL COUNCIL MINUTES

OCTOBER 8, 2015

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
OCTOBER 27, 2015**

The Bastrop City Council met in a Regular Meeting on Tuesday, October 13, 2015 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem DeLaRoas, and Council Members Dock Jackson, Gary Schiff, Kay Garcia McAnally and Kelly Gilleland.

CALL TO ORDER

Mayor Kesselus called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

The Colorado River Collegiate Academy Ninth Graders led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Council Member Jackson gave the Invocation.

PRESENTATIONS

1. Character Trait – Compassion – Brittany Gibson

Ms. Gibson presented her personal interpretation of the character trait "Compassion."

2. CRCA Recycling Pilot Program - CRCA Speak Up! Speak Out! Team

Megan Brandon, Ninth Grade Social Studies Research Methods Teacher at Colorado River Collegiate Academy (CRCA) introduced the Colorado River Collegiate Academy's presentation. The students are involved in a civic competition called "Speak Up and Speak Out" it is a part of the University of Texas. Twenty students were selected to participate in the competition. The students were charged with selecting an issue in the community that is a problem, research it and come back with a potential solution. The students are focusing on the need for recycling in the school district. This is a pilot program.

3. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick

Shawn Kirkpatrick, Executive Director of the Bastrop Economic Development Corporation presented a very extensive report to Council at the BEDC/Council Joint meeting on October 20, 2015.

PROCLAMATIONS

1. Municipal Court

The proclamation was read by Mayor Kesselus. Judge Hinds and Court Administrator Kimberly Walters of the Municipal Court accepted the proclamation.

CITIZEN COMMENTS - NONE

ANNOUNCEMENTS

Council Member Gilleland announced that “Team Up To Clean Up” start was delayed one week in respect of the fire victims and people dealing with the fires. This is the first week, October 25th through 30th, metal is being collected this week; second week, November 1st through 7th is plastic; and the last week, November 8th through 14th is paper.

City Manager Talbot stated that the normal Utility meeting for November will not be held instead there will be a special called meeting to discuss the Hotel Motel DMO project. Due to the change City Manager Talbot handed out the utility report for the last quarter. He also announced that after approximately a one year hiatus this week the City of Bastrop television will be filming, it is being changed from “City Talk” to “Moving Forward with the City Manager” and the format will be changed by inviting the citizens to interview the City Manager rather than the news media interviewing the City Manager. The first session is scheduled for taping the evening of Thursday, October 29, 2015. Council Member Gilleland asked if it would be taped or recorded live. City Manager Talbot stated it will be done live. Andres Rosales, IT Director demonstrated the BTXN TV. The website can be accessed at BTXN TV or by accessing the City website at <http://www.cityofbastrop.org/> and click on “BTXN TV Channel” in the right hand column. Mayor Pro Tem DeLaRosa asked if the Council Members would be interviewing the City Manager. City Manager Talbot stated anyone that would like to interview him would be allowed to do so.

Council Member Jackson announced that the Region X TML meeting will be held in Bastrop on December 9, 2015. There will be a tour of the Bastrop Visitors Center; a social will be held prior to the meeting; Senator, Kirk Watson will be presented with the Legislature of the Year Award; and Bennet Sandler, Executive Director from TML will be the guest speaker to update the guests on legislative updates.

City Manager’s Informational Report for the October 27, 2015 City Council Meeting:

I. Meetings and Events Attended:

- A. Attended a Special Joint Meeting of the City Council and the Bastrop Economic Development Corporation on October 20, 2015.**
- B. Attended Monthly Board Meeting of the Bastrop Chamber of Commerce on October 21, 2015.**
- C. Attended the Monthly Board Meeting of the Lost Pines Groundwater Conservation District on, October 21, 2015.**

II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the period of October 1, 2015 through October 25, 2015.**
- B. Update on the City of Bastrop’s Long Term Water Supply Project.**

Protestants filed for a summary judgement which was denied. Monday, October 26, 2015 City Manager Talbot, Mr. Terrill and Ms. Brown met from 9:00 a.m. to Midnight in mediation. A settlement was not reached but agreed to negotiate for the next week. City Manager Talbot had to make an executive decision, the Council Retreat is set for January 16, 2016, at the Hyatt at Lost Pine. Katherine Ray will be contacting the Mayor and Council Members regarding the retreat. Council Member Gilleland asked the City Manager if the Council specified the Hyatt and she stated in her opinion not using the City’s own convention center did not look good. City Manager Talbot stated that getting out of town seems to work better. He stated that he can cancel the reservations with the Hyatt, it is the Council’s call. Mayor Kesselus stated that this would be a good time to give the City Manager some advice. The Mayor also stated that the rule of thumb which does not mean it always has to be done that way is getting away from our stuff clears the brains and he believes that was the intent. Council Member Gilleland stated that she does

understand what the Mayor is saying but she is concerned with the cost, the Hyatt is three times the cost of the Bastrop Convention Center. Council Member Gilleland stated she does not know what kind of message is sent if the Council does not use their own convention center. Council Member McAnally stated that she feels the cost at the Hyatt is pretty prohibitive and she does feel that it would look better for the Council to have appreciation for the Bastrop Convention Center by using it. She does realize that it is after the fact and apologizes for not speaking about this before but would like for the City Manager to consider this. The City Manager stated that he will try, he does understand what is being said and he stated that this was discussed a little when it was first brought up and he believed the direction was a venue away but going forward he will certainly consider the Bastrop Convention Center. Mayor Kesselus asked if anyone else would like to weigh in. Council Member Jackson state that he agrees because it is a retreat and the idea is to get away from your environment and surroundings in order to concentrate on the retreat. He feels that if it is held at the Bastrop Convention Center it is too close to the city and too many distractions whereas at the Hyatt there would not be as many distractions. Council Member Schiff stated that he attended a limited amount of the meeting last year prior to his tenure here. His observations were that the room the retreat was held in seemed a bit limited in size, overcrowded. Seems like at the convention center a couple of the combinable rooms could be used to have a larger area to accommodate. Council Member Gilleland stated this is a good point, there could possibly be more citizen participation. City Manager Talbot stated that he will try to get it readjusted. Council Member Gilleland stated to the City Manager if he has already committed she is not asking him to change it she is merely putting it out to everyone it could be considered for next year. Council Member Schiff asked the City Manager if he got a little bit larger room this time. The City Manager stated yes. Council Member McAnally asked the City Manager to let Council know if there is a cancellation fee. City Manager Talbot agreed to let them know if there is a cancellation fee.

C. Update Regarding the FY-16 Annual City Council Planning Retreat

D. Update on Upcoming Meetings and Events.

This is a new item to the report it is to give the Council more of an advanced notice regarding upcoming events.

E. Update on the Comprehensive Plan.

F. Update on the Transition of Solid-Waste/Recycling Companies for the City of Bastrop.

G. Update on the Water Filtration Project – Willow Park Well Field

H. Update on the Bus Shelters in the Northern area of the City.

Council Member Gilleland asked if the City was planning on paying for the bus shelters or will other groups purchase them and put them up. The City Manager stated that he had agreed to pay for the first one when it was going to be made out of wood and not metal. Now the City Manager has to go back and look at the budget but he does believe that the City can build the first one but after that he is viewing it as a community project. Mayor Kesselus stated he initially thought the project would be built using volunteers but it turns out the City will be doing most of it and it is pretty expensive and he does not know if there is a way around it. The City Manager stated that he just wanted concurrence that the Council still wanted metal. Council Member McAnally asked if this is the right one. The City Manager stated that it is no question that metal will last longer, he wants to make sure the metal is treated right and that the paint is put on properly so as to not have to go out often to repaint. He also feels it will be more difficult to vandalize the metal rather than the wood. Mayor Pro Tem DeLaRosa suggested involving the building trade class at the schools to see what their capabilities are as far as constructing some of the shelters.

I. Update on the XS Ranch PID.

J. Update on the Bastrop County Shelter Grant/ YMCA.

K. Update and Discussion Regarding Certain Major Water Infrastructure Improvements to the City of Bastrop's Water Infrastructure System.

Mayor Pro Tem DeLaRosa stated that he felt this item should be conducted in a workshop. City Manager Talbot informed the Council that a special workshop session was being called for December 1, 2015 for this item. Mayor Pro Tem DeLaRosa expressed that he wanted the workshop to be for this item only. The City Manager stated that the workshop is only for this item.

- L. Update and Discussion Regarding the West Bastrop Village Municipal Utility District.**
- M. Discussion and Review Regarding Updating:**
 - 1. Water and Wastewater Rates.**
 - 2. Water and Wastewater Impact Fees.**
- N. Update on the Texas Department of Transportation "Tahitian Village Overpass Project."**
- O. Inventory of Street Lights in the Northern area of the City of Bastrop.**
- P. Update on Removing the "Sand Bar" in Front of the Boat Ramp at Fisherman's Park.**

Council Member Gilleland asked if it was costing the City much money to move the sand bar. City Manager Talbot said not much but it has to be moved because it is becoming a safety hazard. There is a very small distance between the edge of the ramp and where the sand bar starts. The City Manager stated that they have come up with a very inefficient way to get the fish out, block one end of the sand bar off and that has been acceptable to Parks and Wildlife. The only other two things to do is to get concurrence from the Historical Commission and Fish and Wildlife. The other aspect is that the sand has a value to the City. The sand will be stockpiled at the Public Works yard because a better fill material could not be found for water and sewer projects because a very fine fill material is required to be put in around the pipe so this will be a cost saver on future projects that the City will not have to incur. Council Member Gilleland stated for clarification that it is not just esthetic it has other purposes. The City Manager concurred with Council Member Gilleland.

Q. Management/Administrative Activities

City Manager Talbot asked the Council to look over the report and if there are questions get with him as soon as possible rather than waiting until the next meeting. Mayor Kesselus stated that when the City Manager first started creating the City Manager's reports he did it to save time but it only works if it is read and studied. The Council should learn to refer to this report as a primary document.

III. Other City Activities:

- A. City of Bastrop Convention Center Activities.**
- B. The City of Bastrop Main Street Program.**
- C. Planning Department – Inspection Report.**
- D. Update on the YMCA Program**

Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon's TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests.

- A.1 Consideration, discussion and possible action regarding approval of minutes from Regular Council Meeting of October 13, 2015.**
- A.2 Second reading of a proposed ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2015 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.**
- A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Final Plat of Magnolia Gardens, creating three residential lots on Water and Magnolia Street, within the City limits of Bastrop, Texas.**
- A.4 Approval of the second reading of an ordinance annexing a sparsely occupied 16.21 (+/-) acre tract of land within Bastrop Town tract A-11 on petition of David Singleton on behalf of area landowner, Ron Healy, Redhawk Advisors, pursuant to Section 43.028 of the Local Government Code, and providing for an effective date.**

Mayor Pro Tem DeLaRosa made the motion to approve the Consent Agenda, seconded by Council Member Jackson. The Consent Agenda was approved on a vote of 5-0.

- A.5 Consideration, discussion and possible action regarding a request by the Bastrop County Historical Society to carry forward as of October 1, 2015 a fund balance of hotel/motel funds in excess of the amount as set forth by the policy of City Of Bastrop.**
Council Member Gilleland asked for clarification that it was only for the one month of expenses. The City Manager stated yes it is.

Mayor Pro Tem DeLaRosa made the motion to approve the request by the Bastrop County Historical Society, seconded by Council Member Gilleland. The motion passed on a vote of 5-0.

B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding approval of a resolution of the City Council of Bastrop, Texas, submitting the City of Bastrop's nominee to fill a recently created vacancy on the Bastrop Central Appraisal District, upon the resignation of Elaine Seidel.**

City Manager Talbot stated that this is a vacancy that must be filled and that the Council has to nominate someone for the vacancy. The nominee must be in by November 30, 2015 in the form of a resolution. City Manager Talbot informed the Council that they did not have to take action at this Council Meeting if they desired more time to think about the nominee. Mayor Pro Tem DeLaRosa asked if there was any information on who was nominated or who is on the board. He stated that it use to be a common practice. City Manager Talbot stated when Council made the nomination at the October 13, 2015 Council Meeting there was a list provided to Council to approve the director on the list or submit someone else. This is different from the October 13, 2015 item. Mayor Kesselus stated that all of the entities were being asked to nominate someone but the entities are not required to nominate someone. Mayor Kesselus suggested that the Council take the time between now and the next meeting to think about someone that might be good on the board that the Council could nominate and maybe help get elected. City Manager Talbot stated that he realizes that it seems like the City does not have very many votes but that the appraisal district is a part of the City's budget process especially getting the certified tax roll. He believes from a responsibility stand point the City should submit a name. The Mayor suggested that everyone think about it. The City Manager inform the Council that they have two meetings to think about it. The Mayor stated that it would be helpful if the Council submitted a name in advance then the Council could get a profile on them. Council Member Gilleland asked the City Manager if anyone had expressed an interest to him. The City Manager stated "no."

This item was postponed to await nominees. If no nominees are submitted the Council will pass on the nomination.

D.2 Consideration, discussion and possible action regarding approval of the first reading of an ordinance amending City Code Section 12.06.002, implementing a parallel parking zone in the Central Business District of the City, along the east side of Main Street [between Pine Street and Chestnut Street]; providing enforcement authority related to same; containing a severability clause; and establishing an effective date.

Council Member Schiff asked why an ordinance was needed for this item. City Manager Talbot explained that if someone wanted to pull into the parallel parking head in the City would be able to enforce the rule against this. He also explained that signs would be placed on the Eastside for truck parking to encourage the trucks to park on the Eastside, otherwise they will receive a ticket. Council Member Schiff asked why the ordinance doesn't just say if it is marked for parallel parking or angle parking it is legal to park parallel or angle whichever it is marked for rather than making it specific to a particular case. J.C. Brown, City Attorney responded to Council Member Schiff's question by stating that would be easier but it is not the way the City Code is codified in the traffic and parking regulations. If this is something that the Council would like to do the traffic and parking section would have to be re-codified. The Mayor asked Council Member Schiff if he was referring to the ordinance or the site. Council Member Schiff replied "the ordinance". Council Member Schiff stated that it did not make sense to him that you have to change the ordinance every time you want to change how a car is parked; it seems to him that the City is in charge of striping the street so the City just stripe the streets and the ordinance just say that cars have to park where the stripes are. The City Attorney stated that part of it has to do with public notice of changes that involves signs and the parking changes such as this do involve signs therefore notices have to be published. Council Member Schiff asked couldn't the notices be a sign that says you got stripes. City Manager Talbot stated there is a legal review every two weeks and he will have the City Engineer and Chief of Police review it with the City Attorney. Council Member Schiff stated that he was trying to simplify the process in the future by making the rules a little more universal for every time we need to change a specific street or area it might become burdensome. He felt in the future maybe the process should be revisited to make it simpler. Council Member Gilleland asked if this was specific to the streets between Main Street and Chestnut. The City Manager replied "yes". Council Member Gilleland asked if the parking codes were going to have

to be revised anyway because of the Form-Base Code and because of the way things seems to be going in the City. The City Manager stated there are certain areas of the Form-Base Code that will allow for head in parking if they meet certain requirements of the Form-Base Code. In certain areas in and around the downtown that could be a possibility. Council Member Gilleland suggested revisiting at some point because there are some places that should not have this type of parking and some that should. The City Manager stated that under the Form-Base Code Council gets to make the final call. Council Member Gilleland ask the City Manager if he was saying that he is not doing the pull in parking. The City Manager stated yes it is being done on the East side and keeping the head in parking the same length in order to keep the travel lane as wide as possible. Mayor Kesselus stated that people are not having a problem parking on the north section of the lane because it is wider but narrow on the south end so this equalizes the two sides and allow the wide lane to remain. Council Member Gilleland asked about the island that sticks out. City Manager Talbot stated that that would be taken care of when the Main Street project is done. Council Member Gilleland asked if this was temporary and if this is approved more than likely another one will be approved later when the islands are removed. The City Manager stated yes it is temporary and that there are going to be discussions back and forth between the BEDC on that issue.

Council Member Gilleland made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion passed on a vote of 4-1. Mayor Pro Tem DeLaRosa voted nay.

D.3 Consideration, discussion and possible action regarding instructing the City Manager to prepare the necessary documents to rent out the vacant lot at 1307 Chestnut Street or generally located between Fayette Street and the City of Bastrop Convention Center to potential venues and/or vendors.

Mayor Kesselus stated the Convention Center should be first in line for the use of the lot because the Convention Center needs it. The Mayor would like to see more financial remunerations for the use of the lot on a temporary basis. The Mayor feels that there could be a lot of uses, more than just two days a week. The Mayor also stated that he would like The City Manager to figure out a process whereby the lot can be used more often and gain more income while waiting to use it for City purposes. Council Member McAnally asked when the lease was up. City Manager Talbot stated that it is a 30 day lease. The current lease would have to be negated and if the renters would like to use it only on Saturday and the Council is in agreement the lease would need to be revised. The City Manager suggested coming up with a list of things that can be done and bring to Council. If the list of suggestions addresses what the Council is wanting to do then 1832 will be notified that the City will be taking steps to void the lease, the City has this right because it is a month to month lease. The City Manager stated that he does not believe the present use of the lot was intended to last as long as it has. One of the thoughts the City Manager expressed was to turn the Farmer's Market under the auspice of the Main Street Program. He believes under the Main Street Program an increase of vendors would occur and the site would be utilized on a more regular bases and rather than going through an entity to rent it would go through a department of the City. Council Member Gilleland asked the City Manager to post on the web and other public places to allow citizens to come forward with ideas.

Council Member Gilleland made the motion to instruct the City Manager to go forward with getting together a plan to rent out the vacant lot at 1307 Chestnut Street, seconded by Council Member McAnally. The motion passed on a vote of 5-9.

E. EXECUTIVE SESSION - NONE

ADJOURNMENT

At 7:35 p.m., Council Member Jackson made the motion to adjourn, Mayor Pro Tem DeLaRosa seconded the motion which passed on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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- B. Update on the City of Bastrop’s Long Term Water Supply Project.**

Protestants filed for a summary judgement which was denied. Monday, October 26, 2015 City Manager Talbot, Mr. Terrill and Ms. Brown met from 9:00 a.m. to Midnight in mediation. A settlement was not reached but agreed to negotiate for the next week. City Manager Talbot had to make an executive decision, the Council Retreat is set for January 16, 2016, at the Hyatt at Lost Pine. Katherine Ray will be contacting the Mayor and Council Members regarding the retreat. Council Member Gilleland asked the City Manager if the Council specified the Hyatt and she stated in her opinion not using the City’s own convention center did not look good. City Manager Talbot stated that getting out of town seems to work better. He stated that he can cancel the reservations with the Hyatt, it is the Council’s call. Mayor Kesselus stated that this would be a good time to give the City Manager some advice. The Mayor also stated that the rule of thumb which does not mean it always has to be done that way is getting away from our stuff clears the brains and he believes that was the intent. Council Member Gilleland stated that she does

understand what the Mayor is saying but she is concerned with the cost, the Hyatt is three times the cost of the Bastrop Convention Center. Council Member Gilleland stated she does not know what kind of message is sent if the Council does not use their own convention center. Council Member McAnally stated that she feels the cost at the Hyatt is pretty prohibitive and she does feel that it would look better for the Council to have appreciation for the Bastrop Convention Center by using it. She does realize that it is after the fact and apologizes for not speaking about this before but would like for the City Manager to consider this. The City Manager stated that he will try, he does understand what is being said and he stated that this was discussed a little when it was first brought up and he believed the direction was a venue away but going forward he will certainly consider the Bastrop Convention Center. Mayor Kesselus asked if anyone else would like to weigh in. Council Member Jackson state that he agrees because it is a retreat and the idea is to get away from your environment and surroundings in order to concentrate on the retreat. He feels that if it is held at the Bastrop Convention Center it is too close to the city and too many distractions whereas at the Hyatt there would not be as many distractions. Council Member Schiff stated that he attended a limited amount of the meeting last year prior to his tenure here. His observations were that the room the retreat was held in seemed a bit limited in size, overcrowded. Seems like at the convention center a couple of the combinable rooms could be used to have a larger area to accommodate. Council Member Gilleland stated this is a good point, there could possibly be more citizen participation. City Manager Talbot stated that he will try to get it readjusted. Council Member Gilleland stated to the City Manager if he has already committed she is not asking him to change it she is merely putting it out to everyone it could be considered for next year. Council Member Schiff asked the City Manager if he got a little bit larger room this time. The City Manager stated yes. Council Member McAnally asked the City Manager to let Council know if there is a cancellation fee. City Manager Talbot agreed to let them know if there is a cancellation fee.

C. Update Regarding the FY-16 Annual City Council Planning Retreat

D. Update on Upcoming Meetings and Events.

This is a new item to the report it is to give the Council more of an advanced notice regarding upcoming events.

E. Update on the Comprehensive Plan.

F. Update on the Transition of Solid-Waste/Recycling Companies for the City of Bastrop.

G. Update on the Water Filtration Project – Willow Park Well Field

H. Update on the Bus Shelters in the Northern area of the City.

Council Member Gilleland asked if the City was planning on paying for the bus shelters or will other groups purchase them and put them up. The City Manager stated that he had agreed to pay for the first one when it was going to be made out of wood and not metal. Now the City Manager has to go back and look at the budget but he does believe that the City can build the first one but after that he is viewing it as a community project. Mayor Kesselus stated he initially thought the project would be built using volunteers but it turns out the City will be doing most of it and it is pretty expensive and he does not know if there is a way around it. The City Manager stated that he just wanted concurrence that the Council still wanted metal. Council Member McAnally asked if this is the right one. The City Manager stated that it is no question that metal will last longer, he wants to make sure the metal is treated right and that the paint is put on properly so as to not have to go out often to repaint. He also feels it will be more difficult to vandalize the metal rather than the wood. Mayor Pro Tem DeLaRosa suggested involving the building trade class at the schools to see what their capabilities are as far as constructing some of the shelters.

I. Update on the XS Ranch PID.

J. Update on the Bastrop County Shelter Grant/ YMCA.

K. Update and Discussion Regarding Certain Major Water Infrastructure Improvements to the City of Bastrop's Water Infrastructure System.

Mayor Pro Tem DeLaRosa stated that he felt this item should be conducted in a workshop. City Manager Talbot informed the Council that a special workshop session was being called for December 1, 2015 for this item. Mayor Pro a Tem DeLaRosa expressed that he wanted the workshop to be for this item only. The City Manager stated that the workshop is only for this item.

L. Update and Discussion Regarding the West Bastrop Village Municipal Utility District.

M. Discussion and Review Regarding Updating:

1. Water and Wastewater Rates.

2. Water and Wastewater Impact Fees.

N. Update on the Texas Department of Transportation "Tahitian Village Overpass Project."

O. Inventory of Street Lights in the Northern area of the City of Bastrop.

P. Update on Removing the "Sand Bar" in Front of the Boat Ramp at Fisherman's Park.

Council Member Gilleland asked if it was costing the City much money to move the sand bar. City Manager Talbot said not much but it has to be moved because it is becoming a safety hazard. There is a very small distance between the edge of the ramp and where the sand bar starts. The City Manager stated that they have come up with a very inefficient way to get the fish out, block one end of the sand bar off and that has been acceptable to Parks and Wildlife. The only other two things to do is to get concurrence from the Historical Commission and Fish and Wildlife. The other aspect is that the sand has a value to the City. The sand will be stockpiled at the Public Works yard because a better fill material could not be found for water and sewer projects because a very fine fill material is required to be put in around the pipe so this will be a cost saver on future projects that the City will not have to incur. Council Member Gilleland stated for clarification that it is not just esthetic it has other purposes. The City Manager concurred with Council Member Gilleland.

Q. Management/Administrative Activities

City Manager Talbot asked the Council to look over the report and if there are questions get with him as soon as possible rather than waiting until the next meeting. Mayor Kesselus stated that when the City Manager first started creating the City Manager's reports he did it to save time but it only works if it is read and studied. The Council should learn to refer to this report as a primary document.

III. Other City Activities:

A. City of Bastrop Convention Center Activities.

B. The City of Bastrop Main Street Program.

C. Planning Department – Inspection Report.

D. Update on the YMCA Program

Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon's TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests.

- A.1 Consideration, discussion and possible action regarding approval of minutes from Regular Council Meeting of October 13, 2015.**
- A.2 Second reading of a proposed ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2015 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.**
- A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Final Plat of Magnolia Gardens, creating three residential lots on Water and Magnolia Street, within the City limits of Bastrop, Texas.**
- A.4 Approval of the second reading of an ordinance annexing a sparsely occupied 16.21 (+/-) acre tract of land within Bastrop Town tract A-11 on petition of David Singleton on behalf of area landowner, Ron Healy, Redhawk Advisors, pursuant to Section 43.028 of the Local Government Code, and providing for an effective date.**

Mayor Pro Tem DeLaRosa made the motion to approve the Consent Agenda, seconded by Council Member Jackson. The Consent Agenda was approved on a vote of 5-0.

- A.5 Consideration, discussion and possible action regarding a request by the Bastrop County Historical Society to carry forward as of October 1, 2015 a fund balance of hotel/motel funds in excess of the amount as set forth by the policy of City Of Bastrop.**
Council Member Gilleland asked for clarification that it was only for the one month of expenses. The City Manager stated yes it is.

Mayor Pro Tem DeLaRosa made the motion to approve the request by the Bastrop County Historical Society, seconded by Council Member Gilleland. The motion passed on a vote of 5-0.

B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding approval of a resolution of the City Council of Bastrop, Texas, submitting the City of Bastrop's nominee to fill a recently created vacancy on the Bastrop Central Appraisal District, upon the resignation of Elaine Seidel.**

City Manager Talbot stated that this is a vacancy that must be filled and that the Council has to nominate someone for the vacancy. The nominee must be in by November 30, 2015 in the form of a resolution. City Manager Talbot informed the Council that they did not have to take action at this Council Meeting if they desired more time to think about the nominee. Mayor Pro Tem DeLaRosa asked if there was any information on who was nominated or who is on the board. He stated that it use to be a common practice. City Manager Talbot stated when Council made the nomination at the October 13, 2015 Council Meeting there was a list provided to Council to approve the director on the list or submit someone else. This is different from the October 13, 2015 item. Mayor Kesselus stated that all of the entities were being asked to nominate someone but the entities are not required to nominate someone. Mayor Kesselus suggested that the Council take the time between now and the next meeting to think about someone that might be good on the board that the Council could nominate and maybe help get elected. City Manager Talbot stated that he realizes that it seems like the City does not have very many votes but that the appraisal district is a part of the City's budget process especially getting the certified tax roll. He believes from a responsibility stand point the City should submit a name. The Mayor suggested that everyone think about it. The City Manager inform the Council that they have two meetings to think about it. The Mayor stated that it would be helpful if the Council submitted a name in advance then the Council could get a profile on them. Council Member Gilleland asked the City Manager if anyone had expressed an interest to him. The City Manager stated "no."

This item was postponed to await nominees. If no nominees are submitted the Council will pass on the nomination.

D.2 Consideration, discussion and possible action regarding approval of the first reading of an ordinance amending City Code Section 12.06.002, implementing a parallel parking zone in the Central Business District of the City, along the east side of Main Street [between Pine Street and Chestnut Street]; providing enforcement authority related to same; containing a severability clause; and establishing an effective date.

Council Member Schiff asked why an ordinance was needed for this item. City Manager Talbot explained that if someone wanted to pull into the parallel parking head in the City would be able to enforce the rule against this. He also explained that signs would be placed on the Eastside for truck parking to encourage the trucks to park on the Eastside, otherwise they will receive a ticket. Council Member Schiff asked why the ordinance doesn't just say if it is marked for parallel parking or angle parking it is legal to park parallel or angle whichever it is marked for rather than making it specific to a particular case. J.C. Brown, City Attorney responded to Council Member Schiff's question by stating that would be easier but it is not the way the City Code is codified in the traffic and parking regulations. If this is something that the Council would like to do the traffic and parking section would have to be re-codified. The Mayor asked Council Member Schiff if he was referring to the ordinance or the site. Council Member Schiff replied "the ordinance". Council Member Schiff stated that it did not make sense to him that you have to change the ordinance every time you want to change how a car is parked; it seems to him that the City is in charge of striping the street so the City just stripe the streets and the ordinance just say that cars have to park where the stripes are. The City Attorney stated that part of it has to do with public notice of changes that involves signs and the parking changes such as this do involve signs therefore notices have to be published. Council Member Schiff asked couldn't the notices be a sign that says you got stripes. City Manager Talbot stated there is a legal review every two weeks and he will have the City Engineer and Chief of Police review it with the City Attorney. Council Member Schiff stated that he was trying to simplify the process in the future by making the rules a little more universal for every time we need to change a specific street or area it might become burdensome. He felt in the future maybe the process should be revisited to make it simpler. Council Member Gilleland asked if this was specific to the streets between Main Street and Chestnut. The City Manager replied "yes". Council Member Gilleland asked if the parking codes were going to have

to be revised anyway because of the Form-Base Code and because of the way things seems to be going in the City. The City Manager stated there are certain areas of the Form-Base Code that will allow for head in parking if they meet certain requirements of the Form-Base Code. In certain areas in and around the downtown that could be a possibility. Council Member Gilleland suggested revisiting at some point because there are some places that should not have this type of parking and some that should. The City Manager stated that under the Form-Base Code Council gets to make the final call. Council Member Gilleland ask the City Manager if he was saying that he is not doing the pull in parking. The City Manager stated yes it is being done on the East side and keeping the head in parking the same length in order to keep the travel lane as wide as possible. Mayor Kesselus stated that people are not having a problem parking on the north section of the lane because it is wider but narrow on the south end so this equalizes the two sides and allow the wide lane to remain. Council Member Gilleland asked about the island that sticks out. City Manager Talbot stated that that would be taken care of when the Main Street project is done. Council Member Gilleland asked if this was temporary and if this is approved more than likely another one will be approved later when the islands are removed. The City Manager stated yes it is temporary and that there are going to be discussions back and forth between the BEDC on that issue.

Council Member Gilleland made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion passed on a vote of 4-1. Mayor Pro Tem DeLaRosa voted nay.

D.3 Consideration, discussion and possible action regarding instructing the City Manager to prepare the necessary documents to rent out the vacant lot at 1307 Chestnut Street or generally located between Fayette Street and the City of Bastrop Convention Center to potential venues and/or vendors.

Mayor Kesselus stated the Convention Center should be first in line for the use of the lot because the Convention Center needs it. The Mayor would like to see more financial remunerations for the use of the lot on a temporary basis. The Mayor feels that there could be a lot of uses, more than just two days a week. The Mayor also stated that he would like The City Manager to figure out a process whereby the lot can be used more often and gain more income while waiting to use it for City purposes. Council Member McAnally asked when the lease was up. City Manager Talbot stated that it is a 30 day lease. The current lease would have to be negated and if the renters would like to use it only on Saturday and the Council is in agreement the lease would need to be revised. The City Manager suggested coming up with a list of things that can be done and bring to Council. If the list of suggestions addresses what the Council is wanting to do then 1832 will be notified that the City will be taking steps to void the lease, the City has this right because it is a month to month lease. The City Manager stated that he does not believe the present use of the lot was intended to last as long as it has. One of the thoughts the City Manager expressed was to turn the Farmer's Market under the auspice of the Main Street Program. He believes under the Main Street Program an increase of vendors would occur and the site would be utilized on a more regular bases and rather than going through an entity to rent it would go through a department of the City. Council Member Gilleland asked the City Manager to post on the web and other public places to allow citizens to come forward with ideas.

Council Member Gilleland made the motion to instruct the City Manager to go forward with getting together a plan to rent out the vacant lot at 1307 Chestnut Street, seconded by Council Member McAnally. The motion passed on a vote of 5-9.

E. EXECUTIVE SESSION - NONE

ADJOURNMENT

At 7:35 p.m., Council Member Jackson made the motion to adjourn, Mayor Pro Tem DeLaRosa seconded the motion which passed on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015MEETING DATE: November 10, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF AN ORDINANCE AMENDING CITY CODE SECTION 12.06.002, IMPLEMENTING A PARALLEL PARKING ZONE IN THE CENTRAL BUSINESS DISTRICT OF THE CITY, ALONG THE EAST SIDE OF MAIN STREET [BETWEEN PINE STREET AND CHESTNUT STREET]; PROVIDING ENFORCEMENT AUTHORITY RELATED TO SAME; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes x No _____

At the September 22, 2015 City Council meeting, the City Council directed that the attached ordinance be created which calls for the parking alignment on South Main Street from Pine Street to Chestnut Street to be as follows: (1) Head-In Parking on the west side of the Street will remain as it's currently aligned. (2) On the east-side of the street the parking alignment will be changed to the 2x1 "Parallel Parking Space" for the large trucks. (3) The north and south bound travel lanes will remain eleven feet wide.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. 2015 - 24

AN ORDINANCE AMENDING CITY CODE SECTION 12.06.002, IMPLEMENTING A PARALLEL PARKING ZONE IN THE CENTRAL BUSINESS DISTRICT OF THE CITY, ALONG THE EAST SIDE OF MAIN STREET [BETWEEN PINE STREET AND CHESTNUT STREET]; PROVIDING ENFORCEMENT AUTHORITY RELATED TO SAME; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 542.202 of the Texas Transportation Code authorizes a city to regulate the stopping, standing, or parking of a vehicle; and

WHEREAS, following careful evaluation, study and analysis, the City of Bastrop finds that it is necessary for the health, safety and welfare of the citizens of Bastrop and the traveling public, and in the best interest of the City and its citizens to implement a parallel parking zone in the Central Business District, along the east side of Main Street, running north and south from Pine Street to Chestnut Street.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP:

PART 1: That Chapter 12 of the City Code of Bastrop is hereby amended as follows:

Sec. 12.06.002 Diagonal Parking/Parallel Parking

(a) Where lines are painted on the streets giving notice thereof, all vehicle shall be parked within the white lines and not more than eighteen inches (18") from the curb, in the following areas:

(1) Main Street in all of business district.

(b) Where lines are painted on the streets giving notice thereof, all vehicles shall parallel park, within the marked lines, in the following areas:

(1) East side of Main Street, between Pine Street and Chestnut Street, in the Central Business District.

PART 2: All other provisions of Article 12.06.002 that are not amended hereby shall remain in full force and effect. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this Ordinance shall not operate to repeal or affect any of such other Ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of

this Ordinance, in which event such conflicting provisions, if any in such other Ordinance or Ordinances are superseded.

PART 3: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

PART 4: The Mayor is hereby authorized to sign this Ordinance and the City Secretary to attest. The Council Directs the City Manager and his designees to take any actions necessary to implement the actions noted herein. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Bastrop and the laws of Texas.

READ AND APPROVED ON FIRST READING ON THIS 27th DAY OF October, 2015.

READ AND ADOPTED ON SECOND READING ON THE 10th DAY OF November, 2015.

APPROVED:

Mayor Ken Kesselus

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015MEETING DATE: November 10, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A STANDARD "CONFLICT OF INTEREST FORM(S), APPROVED BY THE ETHICS COMMISSION FOR ALL CITY BOARDS, TASK FORCE MEMBERS AND OTHER CITY OFFICIALS.

2. Party Making Request: Councilmember Kelly Gilleland

3. Nature of Request: (Brief Overview) Attachments: Yes ☒ X ☐ No ☐
Attached for Review and consideration by the City Council are the "Conflict of Interest Forms" approved by Ethic's Commission for the various City Boards, Task Force members and other City Officials. The Ethic's Commission has recommend approval of these forms by the City Council; 1.) Forms for two boards were not created. Those two are "Automated Red Light Advisory Committee" and "Sustainable Design Assessment Team (SDAT) Steering Committee." 2.) Two of the forms combine two boards/commissions into one form as they share the same members. Those are: (1) Zoning Board of Adjustment/Municipal Sign Review Board; and (2) Parks Board/Public Tree Advisory Board.

4. Policy Implication: None.

5. Budgeted: ☐ Yes ☐ No ☐ N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____
b) _____
c) _____

8. Staff Recommendation:

9. Advisory Board: ☐ Approved ☐ Disapproved ☐ None

10. Manager's Recommendation: ☐ Approved ☐ Disapproved ☐ None

11. Action Taken: _____

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

BASTROP ART IN PUBLIC PLACES

BAIPP members are tasked with assisting the City in the selection, display and maintenance of art in public places, including the acquisition of artwork by purchase, loan, and donation of works of art for public display. (Art includes all types and art media, including art design, photography, video, etc.)

Answer the following questions by checking the boxes and providing additional detailed information as needed.

Yes No

☐ ☐

I am, or one of my relatives* is, an artist who is involved in the production of artwork for sale, exhibition donation and/or display. (Whether public or private.)

Who: _____ Relationship: _____

☐ ☐

I have, or one of my relatives* has, offered to sell, loaned, exhibited, or displayed artwork made by me/them in the City of Bastrop, in a public place. (Not a private display or sale.)

Who: _____ Relationship: _____

When: _____ What Artwork: _____

☐ ☐

I work for or own, or a relative* works for or owns, a company that designs, produces, and/or sells works of art for public display.

Who: _____ Name of Company: _____

Position held: _____ How long employed: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

Bastrop Housing Authority

The Bastrop Housing Authority Members are tasked with assisting the City in identifying and filling the needs of the community related to low-rent housing, to function as the City's Housing Authority, pursuant to the Statute authorizing same, found in Local Government Code, Chapter 392, et seq.

Answer the following questions by checking the boxes and providing additional detailed information as needed.

Yes No

- ☐ ☐ I work, or one of my relatives* works, for a company that provides services and/or products to housing authorities.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

- ☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in the provision, building, financing or operation of low-income housing facilities in Central Texas and in the Bastrop area.

Who: _____ Relationship: _____

What type of activity is done: _____

- ☐ ☐ I own, or one of my relatives* owns, shares, or serves on the board of directors of a company that is in some way related to the low-income housing industry.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

CEMETERY ADVISORY BOARD

CAB members are tasked with assisting the City in recommending rules concerning the use, care, control management and protection of the City's cemetery and advising the City on issues related to the proper conduct of cemetery business of the Fairview Cemetery.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

☐ ☐ I have, or one of my relatives* has, a financial interest in the Fairview Cemetery.

Who: _____ Relationship: _____

☐ ☐ I have, or one of my relatives* has, an interest in real property that is connected to or otherwise near or adjacent to, or that is potentially related to the City's Cemetery.

Who: _____ Relationship: _____

Where is Related Property: _____

☐ ☐ I work for or own, or a relative* works for or owns, a company that designs, produces and/or sells funeral services, equipment or related products in Bastrop County.

Who: _____ Name of Company: _____

Position held: _____ How long employed: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

CONSTRUCTION STANDARDS BOARD

CSB members are tasked with assisting the City in hearing appeals of decisions and interpretations of the building official and to consider variances of the technical codes of the City by builders, owners and tradesmen.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

☐ ☐ I work, or one of my relatives* works, in the construction industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in construction in Bastrop (including, for example, demolition, site preparation, infrastructure installation, construction of residences or other buildings, paving, lighting, sale of construction materials, rental/sale of construction equipment).

Who: _____ Relationship: _____

What type of activity is done: _____

☐ ☐ I own shares or serve, or a relative* owns shares or serves, on the board of directors of a construction related company.

Who: _____ Name of Company: _____

Explain further: _____

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

Yes No

☐ ☐

I am, or a relative* is, a promoter, a financial supporter, or on the board of an entity, a business or an organization that has a construction project proposed, planned or underway in the City of Bastrop.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

ECONOMIC DEVELOPMENT CORPORATION BOARD

BEDC is a non-profit corporation, specifically governed by the Texas Development Corporation Act of 1979. The purpose of the Corporation is to promote, assist and enhance economic development in accordance with the Act and to engage in activities as authorized by the Act and its Articles of Incorporation for those purposes, except as limited by the Bylaws, or the vote of the Council.

Answer the following questions by checking the boxes and providing additional detailed information as needed.

Yes No

☐ ☐ I work, or one of my relatives* works, in the real estate industry (construction, demolition, building, development, broker or sales).

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

Yes No

☐ ☐ I work, or one of my relatives* works, in the financial, banking, lending, bond or contracting industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

Yes No

☐ ☐

I have, or one of my relatives* has, an interest in a company that is involved in an economic development related industry in the Central Texas area (including, for example, business site locator, retail marketing, construction of residences or other buildings).

Who: _____ Relationship: _____

What type of activity is done: _____

Explain further: _____

☐ ☐

I own shares or serve on the board of directors of, or a relative* owns shares or serves on the board of directors of, the following company that is potentially related to economic development in the Bastrop area.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

ETHICS COMMISSION

ETHICS COMMISSION members are tasked with assisting the City in dealing with requests by citizens, the Council and Boards regarding requests for clarifications, amendment and interpretations of the City's Ethic's Ordinance and in handling Complaints filed thereunder, as set forth in the Ordinance.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- ☐ ☐ I, my spouse, or my children and/or parents are related (by blood or marriage) to a member of a City Board or Commission or a City Official, as that term is defined in the City's Code of Ethics.

Who: _____ Relationship: _____

Who: _____ Relationship: _____

- ☐ ☐ I am involved, or one of my relatives* is involved, in various work in the community that would likely result in frequent ethical conflicts of interest, when I am called upon to make decisions related to complaints brought pursuant to the City's Ethic's Ordinance, as follows:

Who: _____ Relationship: _____

When: _____ What: _____

- ☐ ☐ I have worked, or a relative* has worked, on the political campaign of a City Official in the past, supporting them in their attempt to become a City official with the City of Bastrop, Texas.

Who: _____ Who did they support: _____

Position held: _____ How long ago: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

HISTORIC LANDMARK COMMISSION

HLC members are tasked with assisting the City in protecting and enhancing the landmarks which represent distinctive elements of the City's historic, architectural and cultural heritage, foster civic pride in the accomplishments of the past, enhance the City's attractiveness to visitors to the City and promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties in the City.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

☐ ☐

I work, or one of my relatives* works, in the historic construction and/or historic renovation industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

☐ ☐

I have, or one of my relatives* has, an interest in a company that is involved in historic preservation, construction and/or renovation in Central Texas and in the Bastrop area (including, for example, demolition, site preparation, infrastructure installation, design, preservation and construction of historic buildings, sale of historic reconstruction materials, rental/sale of construction equipment used in historic preservation.)

Who: _____ Relationship: _____

What type of activity is done: _____

☐ ☐

I own shares or serve, or a relative* owns shares or serves, on the board of directors of a company that is in some way related to historic preservation and/or the historic construction industry.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

HUNTERS CROSSING LOCAL GOVERNMENT CORPORATION

The HXING LGC Members are tasked with assisting the City in evaluating and overseeing the operations of the Hunter's Crossing Public Improvements District, acting in that capacity as an administrative arm of the City.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- ☐ ☐ I work, or one of my relatives* works, in a company that provides services and/or products to the Hxing PID or the Hxing LGC.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

- ☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in the provision, building, financing or operation of the Hxing PID or the Hxing LGC.

Who: _____ Relationship: _____

What type of activity is done: _____

- ☐ ☐ I own shares or serve, or a relative* owns shares or serves, on the board of directors of a company that is in some way related to the Hxing PID or the Hxing LGC, beyond my residence, or operation of a business, in the PID.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

IMPACT FEE ADVISORY COMMITTEE

The IFAC members are tasked with assisting the City in evaluating and overseeing the development, assessment and periodic review of the City's CIP as it relates to the City's impact fees imposed on new development pursuant to its City Code.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No **[Must have 40% of members who are in real estate, business, industry, and/or development.]**

☐ ☐ I work, or one of my relatives* works, in a company that provides services to the City related to impact fees or disciplines that contract with City to formulate impact fees.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in the provision, building, financing or operation of _____

Who: _____ Relationship: _____

What type of activity is done: _____

☐ ☐ I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a company that is in some way related to the City's Impact Fee or Comprehensive Plan.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

LIBRARY BOARD

The Library Board members are tasked with assisting the City in making recommendations to the City Council and the Library staff for the supervision, management and operation of the Library, and shall carry out the directives and policies established by the City Council.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- ☐ ☐ I work, or one of my relatives* works, in a company that provides services or products to the City's Library, such as publications, books, copiers, computer services or other library services.

Who: _____ Relationship: _____

What do they do: _____

Explain further: _____

- ☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in the provision of services or materials to the City's Library system.

Who: _____ Relationship: _____

What type of activity is done: _____

- ☐ ☐ I share or serve, or one of my relatives* shares or serves, on the board of directors of a company that is in some way related to the City of Bastrop's Library and the services and products it uses.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

MAIN STREET ADVISORY BOARD

The MSAB members are tasked with assisting the City in policy, review of the annual Main Street Program and budget, and determining the goals and objectives of the Main Street Program.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No **[HLC Chair, P&Z Chair, BEDC Chair and Chamber of Commerce are to participate.]**

☐ ☐ I work, or one of my relatives* works, in a company that provides services or products to businesses on Main Street or that are involved in the Main Street Program.

Who: _____ Relationship: _____

What do they do: _____

Explain further: _____

☐ ☐ I own, operate or lease, or one of my relatives* owns, operates or leases, a company or lease(s) to a company that is located on Main Street.

Who: _____ Relationship: _____

What type of activity is done: _____

☐ ☐ I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a company that is in some way related to the City of Bastrop's Main Street Advisory Board.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

PARKS BOARD

PUBLIC TREE ADVISORY BOARD

Parks Board members are tasked with assisting and advising the City Council and City Manager in recommending future improvement and development of public parks, playgrounds and recreational facilities, including the purchase of land and the maintenance, use and care of same for the public welfare. Parks Board members also serve on the Public Tree Advisory Board, which is tasked with the promotion of healthy trees on public property, reviewing City department and public concerns related to tree care on the City's public property, and developing public awareness and education programs relating to trees in the City.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- ☐ ☐ I work for or own, or one of my relatives* works for or owns, a company that has a financial interest in and/or provides goods or services to City parks, playgrounds, and/or recreational facilities.

Who: _____ Relationship: _____

Position held: _____ How long employed: _____

- ☐ ☐ I have, or one of my relatives* has, an interest in real property that is connected to or otherwise near or adjacent to, or that is potentially related to the City's current or planned City parks, playgrounds or recreational facilities.

Who: _____ Relationship: _____

Property location: _____

- ☐ ☐ I work for or own, or a relative* works for or owns, a company that engages in the planting, maintenance, and/or removal of trees and/or other landscaping services.

Who: _____ Name of Company: _____

Position held: _____ How long employed: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

PLANNING AND ZONING COMMISSION

Planning and Zoning Commission members are tasked with advising the City Council and making recommendations regarding: (1) amendments to the Comprehensive Plan and general City planning; (2) changes to current zoning; (3) the zoning to be applied to newly-annexed areas; (4) the approval of plats of subdivisions; and (5) other related matters.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- ☐ ☐ I work, or one of my relatives* works, in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

- ☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What type of activity is done: _____

- ☐ ☐ I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a property development company.

Who: _____ Name of Company: _____

Explain further: _____

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

Yes No

☐ ☐

I have an interest in or work for, or one of my relatives* has an interest in or works for, a company that owns real property that could potentially derive an economic benefit from a change in zoning or in the City's Comprehensive Plan.

Who: _____ Relationship: _____

Explain the interest or company position: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

*POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS*

ZONING BOARD OF ADJUSTMENT (ZBA)

MUNICIPAL SIGN REVIEW BOARD

ZBA members are tasked with hearing and deciding appeals regarding administrative zoning decisions, with authorizing continuation of a nonconforming structure, and, under certain limited circumstances, granting variances from the City's established zoning. ZBA members also serve on the Municipal Sign Review Board, which is charged with reviewing applications for variances from the City's sign code, conduct hearings and granting or denying such variance applications.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- ☐ ☐ I work, or one of my relatives* works, in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

- ☐ ☐ I have, or one of my relatives* has, an interest in a company that is involved in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What type of activity is done: _____

- ☐ ☐ I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a property development company.

Who: _____ Name of Company: _____

Explain further: _____

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

Yes No

☐ ☐

I have an interest in or work for, or one of my relatives* has an interest in or works for, a company that owns real property that could potentially derive an economic benefit from a zoning variance.

Who: _____ Relationship: _____

Explain the interest or company position: _____

☐ ☐

I work for, own or have a substantial interest, or one of my relatives* works for, owns, or has a substantial interest, in a company that is engaged in outdoor advertising or sign business.

Who: _____ Relationship: _____

Explain further: _____

*In some cases, your *relatives*, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to **list on this form above**) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015MEETING DATE: November 10, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE SECOND READING OF AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 9 OF THE CITY OF BASTROP CODE OF ORDINANCES AND RECODIFYING PORTIONS OF CHAPTER 5 INTO CHAPTER 9; CREATING AND ENUMERATING THE POWERS AND DUTIES OF THE POSITIONS OF DIRECTOR OF PUBLIC SAFETY, FIRE CHIEF AND ASSISTANT POLICE CHIEF; ADDING PROVISIONS CONCERNING THE ADMINISTRATION OF THE BASTROP VOLUNTEER FIRE DEPARTMENT; REPEALING PROVISIONS OF CHAPTER 5 REGARDING THE POSITION OF FIRE MARSHAL; CREATING THE POSITION OF FIRE INSPECTOR; AMENDING PROVISIONS RELATED TO THE POWERS AND DUTIES OF CITY OF BASTROP VOLUNTEER FIREFIGHTERS; PROVIDING A SAVINGS AND A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes x No _____

Attached for second reading is an ordinance that was the October 13, 2015 City Council meeting. This ordinance should have been placed on the October 27, 2015 City Council agenda for second reading but was there was oversight and it was not placed on the October 27, 2015. It is being placed on the November 10, 2015 for second reading and final approval by the City Council.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 9 OF THE CITY OF BASTROP CODE OF ORDINANCES AND RECODIFYING PORTIONS OF CHAPTER 5 INTO CHAPTER 9; CREATING AND ENUMERATING THE POWERS AND DUTIES OF THE POSITIONS OF DIRECTOR OF PUBLIC SAFETY, FIRE CHIEF AND ASSISTANT POLICE CHIEF; ADDING PROVISIONS CONCERNING THE ADMINISTRATION OF THE BASTROP VOLUNTEER FIRE DEPARTMENT; REPEALING PROVISIONS OF CHAPTER 5 REGARDING THE POSITION OF FIRE MARSHAL; CREATING THE POSITION OF FIRE INSPECTOR; AMENDING PROVISIONS RELATED TO THE POWERS AND DUTIES OF CITY OF BASTROP VOLUNTEER FIREFIGHTERS; PROVIDING A SAVINGS AND A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas is a Home Rule municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and welfare of its citizens to establish the position of Director of Public Safety as a full-time employed position of the City; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and welfare of its citizens to place the Police Department and Bastrop Volunteer Fire Department under the purview and authority of the Department of Public Safety; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and welfare of its citizens to establish the office of Fire Chief as a full-time paid employment position of the City and grant to the position of Fire Chief full authority for the administration and function of the Bastrop Volunteer Fire Department and the volunteer firefighters, subject to the direction and control of the Director of Public Safety; and

WHEREAS, the City has determined that bringing the Bastrop Volunteer Fire Department under the authority of the City Fire Chief is vital to the health, safety and welfare of the citizens of the City; and

WHEREAS, the City has determined that it is in the best interests of the health, safety and welfare of its citizens to establish the office of Assistant Police Chief as a full-time paid employment position of the City and grant to the position of Assistant Police Chief full authority for the administration and function of the Police Department such as is delegated to the Assistant Police Chief by the Director of Public Safety; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1. Chapter 9 of the Code of Ordinances is hereby amended as follows:

CHAPTER 9 PERSONNEL

(No changes to Articles 9.01 thru 9.04)

ARTICLE 9.05 PUBLIC SAFETY

Division 1. Generally

Sec. 9.05.001 Authority of mayor to summon special police force

(No changes)

Sec. 9.05.002–9.05.020 Reserved

Division 2. Director of Public Safety

Sec. 9.05.021 Creation of Director of Public Safety

There is created a position of Director of Public Safety.

Sec. 9.05.022 Qualifications

The Director of Public Safety shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.05.023 Appointment

The Director of Public Safety shall be appointed by the City Manager.

Sec. 9.05.024 Bond

The Director of Public Safety, before entering upon the duties of his office, shall enter into a bond in an amount to be determined from time to time by the City Manager. The annual bond premium shall be paid by the city.

Sec. 9.05.025 Supervision

The Director of Public Safety shall report directly to the City Manager and shall be independent of any other city office, provided that the Director of Public Safety shall perform all the duties and responsibilities as may be required as the head of the Police Department.

Sec. 9.05.026 Term/At Will Employee

The Director of Public Safety is an 'at will' employee of the City and is subject to the provisions of the City's Personnel Policies, the City's Ordinances, and the City's Home Rule Charter.

Sec. 9.05.027 Compensation

The Director of Public Safety shall receive as compensation for his services a salary set in accordance with the City's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the City's annual operating budget, as adopted and approved by the City Council.

Sec. 9.05.028 Supervision of Police Department and police force

The Director of Public Safety shall exercise general supervision over the City's Police Department and municipal police force, and shall report to the City Manager any failure to perform official duties or any abuse of authority.

Sec. 9.05.029 Powers and duties of the Director of Public Safety

The Director of Public Safety shall:

- (1) Appoint an Assistant Chief of Police, with the advice and consent of the City Manager.
- (2) Attend, in person or by delegation to Assistant Chief of Police or others, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.
- (3) Have like powers with the sheriff of the county to execute search warrants.
- (4) Actively quell riots, disorders and disturbances within the city, and shall take into custody all persons offending against the peace of the city.
- (5) Accept suitable bail for appearances before the municipal court.

- (6) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with him in the execution of his duties, or persons guilty of disorderly conduct.
- (7) Attend, in person or by delegation to an Assistant Chief of Police, all meetings of the city council.
- (8) Perform such other duties as may be from time to time required by the City Manager.

Sec. 9.05.30 Delivery of monies collected to city secretary; reports of fines collected

The Director of Public Safety shall pass over all fines or other monies collected to the city secretary at least once each month and file with the city secretary a monthly statement, subscribed by him, of all fines collected, from whom collected and the amount of each.

Division 3. Assistant Chief of Police

Sec. 9.05.031 Office established

The office Assistant Chief of Police is hereby created.

Sec. 9.05.032 Qualifications

The Assistant Chief of Police shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.05.033 Appointment

The Assistant Chief of Police shall be appointed by the Director of Public Safety, with the consent of the City Manager.

Sec. 9.05.034 Supervision

The Assistant Chief of Police shall report directly to the Director of Public Safety.

Sec. 9.05.035 Term/At Will Employee

The Assistant Chief of Police is an 'at will' employee of the City and is subject to the provisions of the City's Personnel Policies, the City's Ordinances, and the City's Home Rule Charter.

Sec. 9.05.036 Compensation

The Assistant Chief of Police shall receive as compensation for his services a salary set in accordance with the City's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the City's annual operating budget, as adopted and approved by the City Council.

Sec. 9.05.037 Supervision of police force

The Assistant Chief of Police shall exercise general supervision over the police force, subject to the supervision and control of, and as from time to time delegated by, the Director of Public Safety.

Sec. 9.05.038 Powers and duties

The Assistant Chief of Police shall:

- (1) Attend in person, as directed and delegated by the Director of Public Safety, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.
- (2) Have like powers with the sheriff of the county to execute search warrants.
- (3) Actively quell riots, disorders and disturbances within the city, and shall take into custody all persons offending against the peace of the city.
- (4) Accept suitable bail for appearances before the municipal court.
- (5) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with him in the execution of his duties, or persons guilty of disorderly conduct.
- (6) Attend in person as directed and delegated by the Director of Public Safety, all meetings of the city council.
- (7) Perform such other duties as may be from time to time required by the City Manager or Director of Public Safety.

Secs. 9.05.039—9.05.070 Reserved

Division 4. Police Officers

(No changes to Secs. 9.05.071 to 9.05.100)

Division 5. Arrests

(No changes to Secs. 9.05.101 to 9.05.130)

Division 6. Reserve Police Unit

(No change to Sec. 9.05.131)

Sec. 9.05.132 Membership; control by Director of Public Safety

The reserve police unit shall be a volunteer organization with a membership restricted to no more than ten (10) reputable citizens to be selected by the Director of Public Safety, or by the Assistant Chief of Police as delegated by the Director of Public Safety, and approved by the City Manager. The reserve unit will be under the control and direction of the Director of Public Safety, or as delegated by the Director of Public Safety, under the control and direction of the Assistant Chief of Police.

Sec. 9.05.133 Operation generally

The reserve police unit shall be operated under basic policies and rules as established by the Director of Public Safety and approved by the city manager. The Director of Public Safety, or as delegated by the Director of Public Safety, the Assistant Chief of Police, shall be responsible for insuring that the policies and rules of the unit are adhered to, and for the development of training programs and operating procedures.

Sec. 9.05.134 Police powers

Members of the reserve police unit shall act in the capacity of police officers only upon the direction and under the supervision of the Director of Public Safety, or as delegated by the Director of Public Safety, upon the direction and under the supervision of the Assistant Chief of Police. A member of the reserve police unit shall have no police authority or power except when specifically assigned to duty by the Director of Public Safety or the Assistant Chief of Police, as delegated by the Director of Public Safety.

(No change to Secs. 9.05.135 thru 9.05.136)

Part 2. Chapter 9 of the Code of Ordinances is amended to add Article 9.09 and Chapter 5 of the Code of Ordinances is amended by repealing Articles 5.04 through 5.06 and Article 5.09 and re-codifying those provisions, as herein amended in Article 9.09, as follows:

ARTICLE 9.09 BASTROP VOLUNTEER FIRE DEPARTMENT

Division 1. Generally

Secs. 9.09.001–9.09.010 Reserved

Division 2. City Volunteer Fire Department

Sec. 9.09.011 Created

The City of Bastrop Volunteer Fire Department is hereby created. The Bastrop Volunteer Fire Department shall consist of the Fire Chief and such other officers, employees and volunteers as may be authorized by the City Manager. The Fire Department shall be responsible for the firefighting, fire prevention, fire service and emergency medical service activities of the city, as may be authorized by the City Manager.

Sec. 9.09.012 Purpose

The purpose of the Bastrop Volunteer Fire Department is to protect from fire the lives and property of all citizens within the city.

Sec. 9.09.013 Volunteer members of the Bastrop Volunteer Fire Department

The Bastrop Volunteer Fire Department depends on a largely volunteer force to fulfil its authorized purpose. Volunteer firefighters are under the supervision, control and direction of the Fire Chief. The Fire Chief, with consent from the Director of Public Safety and the City Manager, shall issue eligibility requirements for volunteer members, and shall have the authority to grant and revoke volunteer membership in the Bastrop Volunteer Fire Department, provided, however, that volunteer firefighters who are currently members of the organization known as “Bastrop Fire Department, Inc.” shall be considered automatically eligible as volunteer members of the Fire Department upon their decision to so join the Bastrop Volunteer Fire Department for the first thirty (30) days following the effective date of this ordinance. The volunteer members of the Bastrop Volunteer Fire Department shall be subject to rules, regulations and bylaws as authorized by the Director of Public Safety, the Fire Chief and the City Manager, and shall be subject to the provisions of this code of ordinances and the statutes of this state.

Sec. 9.09.014 Election of officers

The members of the Bastrop Volunteer Fire Department shall elect officers subject to the requirements of the bylaws authorized by the Director of Public Safety, the Fire Chief and the City Manager

Sec. 9.09.015 Workers' compensation insurance

The city shall maintain workers' compensation insurance for the protection of each firefighter.

Secs. 9.09.016—9.09.019 Reserved

Division 2. Fire Chief

Sec. 9.09.020 Office created

The office of Fire Chief of the City of Bastrop Volunteer Fire Department is hereby created.

Sec. 9.09.021 Qualifications

The Fire Chief shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.09.022 Appointment

The Fire Chief shall be appointed by the Director of Public Safety with the consent of the City Manager.

Sec. 9.09.023 Supervision

The Fire Chief shall report directly to the Director of Public Safety.

Sec. 9.09.024 Bond

The Fire Chief, before entering upon the duties of his office, shall enter into a bond in an amount to be determined from time to time by the City Manager. The annual bond premium shall be paid by the city.

Sec. 9.09.025 Term/At Will Employee

The Fire Chief is an 'at will' employee of the City and is subject to the provisions of the City's Personnel Policies, the City's Ordinances, and the City's Home Rule Charter.

Sec. 9.09.026 Compensation

The Fire Chief shall receive as compensation for his services a salary set in accordance with the City's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the City's annual operating budget, as adopted and approved by the City Council.

Sec. 9.09.027 Supervision of fire department employees and volunteers

The Fire Chief shall exercise general supervision over the Bastrop Volunteer Fire Department and shall report to the Director of Public Safety and the City Manager any failure to perform official duties or any abuse of authority.

Sec. 9.09.028 Duties

The Fire Chief shall:

- (1) Be responsible for all equipment owned by the city and used by the Bastrop Volunteer Fire Department.
- (2) Be responsible for the efficient operation of the Bastrop Volunteer Fire Department.
- (3) Approve all bills incurred in the operation of the Bastrop Volunteer Fire Department.
- (4) Serve as the fire official in matters pertaining to and as described in section 1 of the International Fire Code (IFC) 2009 edition, or Code adopted and updated by the City from time to time.

Sec. 9.09.029 Delegation of duties

The Fire Chief may delegate to an Assistant Fire Chief such of his duties as he shall determine, with the consent of the Director of Public Safety and the City Manager.

Division 3. Fire Inspector

Sec. 9.09.030 Office created

The office of the fire inspector is hereby created.

Sec. 9.09.031 Appointment

The fire inspector shall be appointed by the Fire Chief, by and with the consent of the Director of Public Safety and City Manager.

Sec. 9.09.032 Qualifications

The person appointed to the office of fire inspector shall be qualified by training and experience to carry out the duties of his office in an efficient manner.

Sec. 9.09.033 Records of fires

The fire inspector shall keep in his office a record of all fires, together with all acts, statistics and circumstances, including the origin of the fires and the amount of the loss.

Sec. 9.09.034 Investigation of fires

The fire inspector shall investigate the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire.

Sec. 9.09.035 Right of entry

The fire inspector shall have the authority at any time of the day or night, when necessary to the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near the same. This authority shall be exercised with reason and discretion. The fire inspector shall have the authority to obtain a search warrant should entry be denied.

Sec. 9.09.036 Prosecution of arsonists

If, in the opinion of the fire inspector, there is sufficient evidence to indicate that a fire or explosion was caused by design or was incendiary in nature, he shall turn over such evidence and related information to the Director of Public Safety, or, as delegated by the Director of Public Safety, to the Assistant Chief of Police for further investigation. The fire inspector shall assist the investigation as may be necessary and practical.

Sec. 9.09.037 Inspections for fire hazards; order to correct hazardous conditions

(a) The fire inspector, upon complaint of any person having an interest in any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty quarterly or more often to enter upon and make or cause to be entered upon and made a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto.

(b) Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, or combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to firemen or occupants, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises.

(c) If the owner or occupant deems himself aggrieved by such order, he may within five (5) days appeal to the mayor, who shall investigate the cause of the complaint and, unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

Secs. 9.09.038—9.09.040 Reserved

Division 4. Emergency, Fire and Rescue Services

Sec. 9.09.041 Reimbursement of costs

(a) The city recognizes and supports the right/need of the Bastrop Volunteer Fire Department to recover certain costs incurred by it as a result of its provision of fire suppression, emergency and rescue services. Such fees for Bastrop Volunteer Fire Department services shall be related to items such as, but not limited to:

- (1) Wear and tear of apparatus, tools, and equipment;
- (2) Materials used during the provision of services; and
- (3) Specialized training provided to the firefighters of the Bastrop Volunteer Fire Department to update training and enhance Bastrop Volunteer Fire Department services. ("Fees and Charges")

(b) Bastrop Volunteer Fire Department fees and charges shall be collected for services provided inside the city limits as well as those provided outside the city limits, as set forth in detail in Appendix A, section A5.08.001 of this code, and as amended by the city council, from time to time. The administrative personnel of the Bastrop Volunteer Fire Department shall utilize applicable incident report information, which will be used as documentation for collection of fees and charges by the city's firefighters.

(c) The Bastrop Volunteer Fire Department, or its authorized agent, shall submit an invoice to the applicable insurance company covering the losses and damages and other costs and fees that are related to the Bastrop Volunteer Fire Department's emergency services rendered. If it can be reliably determined that there is no insurance coverage for a specific event/loss which causes the Bastrop Volunteer Fire Department to incur loss, damage, and wear and tear to apparatus, tools, equipment, and materials, then the Bastrop Volunteer Fire Department may seek reimbursement from the person(s) or entities that received emergency services from the Bastrop Volunteer Fire Department.

(d) Residents of the city who have no insurance coverage for the incident(s) connected to receiving emergency services rendered by the Bastrop Volunteer Fire Department are hereby exempted from the Fire Department fees and charges contained herein, unless it is determined that the Bastrop Volunteer Fire Department emergency services rendered were necessary as a direct result of negligent and/or malicious act(s) and/or omissions, on the part of the recipients of the Bastrop Volunteer Fire Department services. Property used for commercial, retail, industrial and/or other nonresidential purposes shall not be eligible for any exemption from payment of the Bastrop Volunteer Fire Department fees and charges, as stated herein, if the Fire Chief determines that the facility involved in the emergency services provided by the Bastrop Volunteer Fire Department did not have properly installed and/or functioning fire alarms and/or fire suppression equipment and systems.

(e) The Bastrop Volunteer Fire Department shall not seek reimbursement for Bastrop Volunteer Fire Department services provided to residential structures fires within the city's corporate limits, unless it is determined that the firefighting services rendered by Bastrop Volunteer Fire Department were a direct result of negligent, malicious act(s) and/or omission, on the part of the property owners/residents. This residential exclusion does not apply to multifamily residential units that provide housing to more than two families, i.e., having more than two separate residential units.

(f) First responder/medical assist calls to residences, (i.e., not involving a motor vehicle), that are located within the city's corporate limits are hereby exempted from the Bastrop Volunteer Fire Department fees and charges, unless it is determined that the emergency services rendered were a direct result of negligent, malicious act(s) and/or omissions, on the part of persons receiving the treatment.

(g) In December of each year that this article is in effect, the Fire Chief shall prepare a summary report of the Bastrop Volunteer Fire Department's collections and assessments as per

this article, and shall submit it to the city manager. The City Manager shall forward the report to the City Council for its review, consideration and comment during a city council meeting.

(h) The Bastrop Volunteer Fire Department's allocation of fees collected, shall be proportional as between the city and the Fire Department, and the division of same shall be based upon the ownership of the equipment used by the Bastrop Volunteer Fire Department on the call that generates the fee.

(i) The Bastrop Volunteer Fire Department shall remit to the city's Finance Department the city's portion of fees collected pursuant to this article, by the 15th of each applicable month, along with documentation used by the Bastrop Volunteer Fire Department in determining the city's portion of fees collected.

Part 3. Savings Clause.

It is hereby declared to be the intention of the City Council of the City of Bastrop, that the sections, paragraphs, sentences, clauses and phrases in this Chapter of this Code are severable; and if any phrase, clause, paragraph or section of this Chapter shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter since the same would have been enacted by the City Council without the incorporation in this Chapter of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Part 4: Repealing Clause.

All ordinances and parts of ordinances that are in conflict with the terms of this Ordinance are hereby repealed.

Part 5: Effective Date.

This Ordinance shall become effective from and after the date of its final approval and in accordance with the City Charter and the City of Bastrop.

PASSED AND APPROVED on the First Reading on this the 13th day of October, 2015.

PASSED AND ADOPTED on the Second Reading on this the 10th day of November, 2015.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin
City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 9 OF THE CITY OF BASTROP CODE OF ORDINANCES AND RECODIFYING PORTIONS OF CHAPTER 5 INTO CHAPTER 9; CREATING AND ENUMERATING THE POWERS AND DUTIES OF THE POSITIONS OF DIRECTOR OF PUBLIC SAFETY, FIRE CHIEF AND ASSISTANT POLICE CHIEF; ADDING PROVISIONS CONCERNING THE ADMINISTRATION OF THE BASTROP VOLUNTEER FIRE DEPARTMENT; REPEALING PROVISIONS OF CHAPTER 5 REGARDING THE POSITION OF FIRE MARSHAL; CREATING THE POSITION OF FIRE INSPECTOR; AMENDING PROVISIONS RELATED TO THE POWERS AND DUTIES OF CITY OF BASTROP VOLUNTEER FIREFIGHTERS; PROVIDING A SAVINGS AND A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas is a Home Rule municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and welfare of its citizens to establish the position of Director of Public Safety as a full-time employed position of the City; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and welfare of its citizens to place the Police Department and Bastrop Volunteer Fire Department under the purview and authority of the Department of Public Safety; and

WHEREAS, the City has determined that it is in the best interest of the health, safety and welfare of its citizens to establish the office of Fire Chief as a full-time paid employment position of the City and grant to the position of Fire Chief full authority for the administration and function of the Bastrop Volunteer Fire Department and the volunteer firefighters, subject to the direction and control of the Director of Public Safety; and

WHEREAS, the City has determined that bringing the Bastrop Volunteer Fire Department under the authority of the City Fire Chief is vital to the health, safety and welfare of the citizens of the City; and

WHEREAS, the City has determined that it is in the best interests of the health, safety and welfare of its citizens to establish the office of Assistant Police Chief as a full-time paid employment position of the City and grant to the position of Assistant Police Chief full authority for the administration and function of the Police Department such as is delegated to the Assistant Police Chief by the Director of Public Safety; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1. Chapter 9 of the Code of Ordinances is hereby amended as follows:

CHAPTER 9 PERSONNEL

(No changes to Articles 9.01 thru 9.04)

ARTICLE 9.05 PUBLIC SAFETY

Division 1. Generally

Sec. 9.05.001 Authority of mayor to summon special police force

(No changes)

Sec. 9.05.002–9.05.020 Reserved

Division 2. Director of Public Safety

Sec. 9.05.021 Creation of Director of Public Safety

There is created a position of Director of Public Safety.

Sec. 9.05.022 Qualifications

The Director of Public Safety shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.05.023 Appointment

The Director of Public Safety shall be appointed by the City Manager.

Sec. 9.05.024 Bond

The Director of Public Safety, before entering upon the duties of his office, shall enter into a bond in an amount to be determined from time to time by the City Manager. The annual bond premium shall be paid by the city.

Sec. 9.05.025 Supervision

The Director of Public Safety shall report directly to the City Manager and shall be independent of any other city office, provided that the Director of Public Safety shall perform all the duties and responsibilities as may be required as the head of the Police Department.

Sec. 9.05.026 Term/At Will Employee

The Director of Public Safety is an 'at will' employee of the City and is subject to the provisions of the City's Personnel Policies, the City's Ordinances, and the City's Home Rule Charter.

Sec. 9.05.027 Compensation

The Director of Public Safety shall receive as compensation for his services a salary set in accordance with the City's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the City's annual operating budget, as adopted and approved by the City Council.

Sec. 9.05.028 Supervision of Police Department and police force

The Director of Public Safety shall exercise general supervision over the City's Police Department and municipal police force, and shall report to the City Manager any failure to perform official duties or any abuse of authority.

Sec. 9.05.029 Powers and duties of the Director of Public Safety

The Director of Public Safety shall:

- (1) Appoint an Assistant Chief of Police, with the advice and consent of the City Manager.
- (2) Attend, in person or by delegation to Assistant Chief of Police or others, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.
- (3) Have like powers with the sheriff of the county to execute search warrants.
- (4) Actively quell riots, disorders and disturbances within the city, and shall take into custody all persons offending against the peace of the city.
- (5) Accept suitable bail for appearances before the municipal court.

- (6) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with him in the execution of his duties, or persons guilty of disorderly conduct.
- (7) Attend, in person or by delegation to an Assistant Chief of Police, all meetings of the city council.
- (8) Perform such other duties as may be from time to time required by the City Manager.

Sec. 9.05.30 Delivery of monies collected to city secretary; reports of fines collected

The Director of Public Safety shall pass over all fines or other monies collected to the city secretary at least once each month and file with the city secretary a monthly statement, subscribed by him, of all fines collected, from whom collected and the amount of each.

Division 3. Assistant Chief of Police

Sec. 9.05.031 Office established

The office Assistant Chief of Police is hereby created.

Sec. 9.05.032 Qualifications

The Assistant Chief of Police shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.05.033 Appointment

The Assistant Chief of Police shall be appointed by the Director of Public Safety, with the consent of the City Manager.

Sec. 9.05.034 Supervision

The Assistant Chief of Police shall report directly to the Director of Public Safety.

Sec. 9.05.035 Term/At Will Employee

The Assistant Chief of Police is an 'at will' employee of the City and is subject to the provisions of the City's Personnel Policies, the City's Ordinances, and the City's Home Rule Charter.

Sec. 9.05.036 Compensation

The Assistant Chief of Police shall receive as compensation for his services a salary set in accordance with the City's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the City's annual operating budget, as adopted and approved by the City Council.

Sec. 9.05.037 Supervision of police force

The Assistant Chief of Police shall exercise general supervision over the police force, subject to the supervision and control of, and as from time to time delegated by, the Director of Public Safety.

Sec. 9.05.038 Powers and duties

The Assistant Chief of Police shall:

- (1) Attend in person, as directed and delegated by the Director of Public Safety, all sessions of the municipal court and shall promptly and faithfully execute all writs and process issued out of the court.
- (2) Have like powers with the sheriff of the county to execute search warrants.
- (3) Actively quell riots, disorders and disturbances within the city, and shall take into custody all persons offending against the peace of the city.
- (4) Accept suitable bail for appearances before the municipal court.
- (5) Arrest without warrant all persons who violate the peace of the city, or who obstruct or interfere with him in the execution of his duties, or persons guilty of disorderly conduct.
- (6) Attend in person as directed and delegated by the Director of Public Safety, all meetings of the city council.
- (7) Perform such other duties as may be from time to time required by the City Manager or Director of Public Safety.

Secs. 9.05.039—9.05.070 Reserved

Division 4. Police Officers

(No changes to Secs. 9.05.071 to 9.05.100)

Division 5. Arrests

(No changes to Secs. 9.05.101 to 9.05.130)

Division 6. Reserve Police Unit

(No change to Sec. 9.05.131)

Sec. 9.05.132 Membership; control by Director of Public Safety

The reserve police unit shall be a volunteer organization with a membership restricted to no more than ten (10) reputable citizens to be selected by the Director of Public Safety, or by the Assistant Chief of Police as delegated by the Director of Public Safety, and approved by the City Manager. The reserve unit will be under the control and direction of the Director of Public Safety, or as delegated by the Director of Public Safety, under the control and direction of the Assistant Chief of Police.

Sec. 9.05.133 Operation generally

The reserve police unit shall be operated under basic policies and rules as established by the Director of Public Safety and approved by the city manager. The Director of Public Safety, or as delegated by the Director of Public Safety, the Assistant Chief of Police, shall be responsible for insuring that the policies and rules of the unit are adhered to, and for the development of training programs and operating procedures.

Sec. 9.05.134 Police powers

Members of the reserve police unit shall act in the capacity of police officers only upon the direction and under the supervision of the Director of Public Safety, or as delegated by the Director of Public Safety, upon the direction and under the supervision of the Assistant Chief of Police. A member of the reserve police unit shall have no police authority or power except when specifically assigned to duty by the Director of Public Safety or the Assistant Chief of Police, as delegated by the Director of Public Safety.

(No change to Secs. 9.05.135 thru 9.05.136)

Part 2. Chapter 9 of the Code of Ordinances is amended to add Article 9.09 and Chapter 5 of the Code of Ordinances is amended by repealing Articles 5.04 through 5.06 and Article 5.09 and recodifying those provisions, as herein amended in Article 9.09, as follows:

ARTICLE 9.09 BASTROP VOLUNTEER FIRE DEPARTMENT

Division 1. Generally

Secs. 9.09.001–9.09.010 Reserved

Division 2. City Volunteer Fire Department

Sec. 9.09.011 Created

The City of Bastrop Volunteer Fire Department is hereby created. The Bastrop Volunteer Fire Department shall consist of the Fire Chief and such other officers, employees and volunteers as may be authorized by the City Manager. The Fire Department shall be responsible for the firefighting, fire prevention, fire service and emergency medical service activities of the city, as may be authorized by the City Manager.

Sec. 9.09.012 Purpose

The purpose of the Bastrop Volunteer Fire Department is to protect from fire the lives and property of all citizens within the city.

Sec. 9.09.013 Volunteer members of the Bastrop Volunteer Fire Department

The Bastrop Volunteer Fire Department depends on a largely volunteer force to fulfil its authorized purpose. Volunteer firefighters are under the supervision, control and direction of the Fire Chief. The Fire Chief, with consent from the Director of Public Safety and the City Manager, shall issue eligibility requirements for volunteer members, and shall have the authority to grant and revoke volunteer membership in the Bastrop Volunteer Fire Department, provided, however, that volunteer firefighters who are currently members of the organization known as “Bastrop Fire Department, Inc.” shall be considered automatically eligible as volunteer members of the Fire Department upon their decision to so join the Bastrop Volunteer Fire Department for the first thirty (30) days following the effective date of this ordinance. The volunteer members of the Bastrop Volunteer Fire Department shall be subject to rules, regulations and bylaws as authorized by the Director of Public Safety, the Fire Chief and the City Manager, and shall be subject to the provisions of this code of ordinances and the statutes of this state.

Sec. 9.09.014 Election of officers

The members of the Bastrop Volunteer Fire Department shall elect officers subject to the requirements of the bylaws authorized by the Director of Public Safety, the Fire Chief and the City Manager

Sec. 9.09.015 Workers' compensation insurance

The city shall maintain workers' compensation insurance for the protection of each firefighter.

Secs. 9.09.016—9.09.019 Reserved

Division 2. Fire Chief

Sec. 9.09.020 Office created

The office of Fire Chief of the City of Bastrop Volunteer Fire Department is hereby created.

Sec. 9.09.021 Qualifications

The Fire Chief shall be a person qualified by training and experience to properly carry out the duties of this office.

Sec. 9.09.022 Appointment

The Fire Chief shall be appointed by the Director of Public Safety with the consent of the City Manager.

Sec. 9.09.023 Supervision

The Fire Chief shall report directly to the Director of Public Safety.

Sec. 9.09.024 Bond

The Fire Chief, before entering upon the duties of his office, shall enter into a bond in an amount to be determined from time to time by the City Manager. The annual bond premium shall be paid by the city.

Sec. 9.09.025 Term/At Will Employee

The Fire Chief is an 'at will' employee of the City and is subject to the provisions of the City's Personnel Policies, the City's Ordinances, and the City's Home Rule Charter.

Sec. 9.09.026 Compensation

The Fire Chief shall receive as compensation for his services a salary set in accordance with the City's wage and compensation plan, approved by the City Manager in accordance with the adoption of same as set forth in the City's annual operating budget, as adopted and approved by the City Council.

Sec. 9.09.027 Supervision of fire department employees and volunteers

The Fire Chief shall exercise general supervision over the Bastrop Volunteer Fire Department and shall report to the Director of Public Safety and the City Manager any failure to perform official duties or any abuse of authority.

Sec. 9.09.028 Duties

The Fire Chief shall:

- (1) Be responsible for all equipment owned by the city and used by the Bastrop Volunteer Fire Department.
- (2) Be responsible for the efficient operation of the Bastrop Volunteer Fire Department.
- (3) Approve all bills incurred in the operation of the Bastrop Volunteer Fire Department.
- (4) Serve as the fire official in matters pertaining to and as described in section 1 of the International Fire Code (IFC) 2009 edition, or Code adopted and updated by the City from time to time.

Sec. 9.09.029 Delegation of duties

The Fire Chief may delegate to an Assistant Fire Chief such of his duties as he shall determine, with the consent of the Director of Public Safety and the City Manager.

Division 3. Fire Inspector

Sec. 9.09.030 Office created

The office of the fire inspector is hereby created.

Sec. 9.09.031 Appointment

The fire inspector shall be appointed by the Fire Chief, by and with the consent of the Director of Public Safety and City Manager.

Sec. 9.09.032 Qualifications

The person appointed to the office of fire inspector shall be qualified by training and experience to carry out the duties of his office in an efficient manner.

Sec. 9.09.033 Records of fires

The fire inspector shall keep in his office a record of all fires, together with all acts, statistics and circumstances, including the origin of the fires and the amount of the loss.

Sec. 9.09.034 Investigation of fires

The fire inspector shall investigate the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire.

Sec. 9.09.035 Right of entry

The fire inspector shall have the authority at any time of the day or night, when necessary to the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near the same. This authority shall be exercised with reason and discretion. The fire inspector shall have the authority to obtain a search warrant should entry be denied.

Sec. 9.09.036 Prosecution of arsonists

If, in the opinion of the fire inspector, there is sufficient evidence to indicate that a fire or explosion was caused by design or was incendiary in nature, he shall turn over such evidence and related information to the Director of Public Safety, or, as delegated by the Director of Public Safety, to the Assistant Chief of Police for further investigation. The fire inspector shall assist the investigation as may be necessary and practical.

Sec. 9.09.037 Inspections for fire hazards; order to correct hazardous conditions

(a) The fire inspector, upon complaint of any person having an interest in any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty quarterly or more often to enter upon and make or cause to be entered upon and made a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto.

(b) Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, or combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to firemen or occupants, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises.

(c) If the owner or occupant deems himself aggrieved by such order, he may within five (5) days appeal to the mayor, who shall investigate the cause of the complaint and, unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

Secs. 9.09.038—9.09.040 Reserved

Division 4. Emergency, Fire and Rescue Services

Sec. 9.09.041 Reimbursement of costs

(a) The city recognizes and supports the right/need of the Bastrop Volunteer Fire Department to recover certain costs incurred by it as a result of its provision of fire suppression, emergency and rescue services. Such fees for Bastrop Volunteer Fire Department services shall be related to items such as, but not limited to:

- (1) Wear and tear of apparatus, tools, and equipment;
- (2) Materials used during the provision of services; and
- (3) Specialized training provided to the firefighters of the Bastrop Volunteer Fire Department to update training and enhance Bastrop Volunteer Fire Department services. ("Fees and Charges")

(b) Bastrop Volunteer Fire Department fees and charges shall be collected for services provided inside the city limits as well as those provided outside the city limits, as set forth in detail in Appendix A, section A5.08.001 of this code, and as amended by the city council, from time to time. The administrative personnel of the Bastrop Volunteer Fire Department shall utilize applicable incident report information, which will be used as documentation for collection of fees and charges by the city's firefighters.

(c) The Bastrop Volunteer Fire Department, or its authorized agent, shall submit an invoice to the applicable insurance company covering the losses and damages and other costs and fees that are related to the Bastrop Volunteer Fire Department's emergency services rendered. If it can be reliably determined that there is no insurance coverage for a specific event/loss which causes the Bastrop Volunteer Fire Department to incur loss, damage, and wear and tear to apparatus, tools, equipment, and materials, then the Bastrop Volunteer Fire Department may seek reimbursement from the person(s) or entities that received emergency services from the Bastrop Volunteer Fire Department.

(d) Residents of the city who have no insurance coverage for the incident(s) connected to receiving emergency services rendered by the Bastrop Volunteer Fire Department are hereby exempted from the Fire Department fees and charges contained herein, unless it is determined that the Bastrop Volunteer Fire Department emergency services rendered were necessary as a direct result of negligent and/or malicious act(s) and/or omissions, on the part of the recipients of the Bastrop Volunteer Fire Department services. Property used for commercial, retail, industrial and/or other nonresidential purposes shall not be eligible for any exemption from payment of the Bastrop Volunteer Fire Department fees and charges, as stated herein, if the Fire Chief determines that the facility involved in the emergency services provided by the Bastrop Volunteer Fire Department did not have properly installed and/or functioning fire alarms and/or fire suppression equipment and systems.

(e) The Bastrop Volunteer Fire Department shall not seek reimbursement for Bastrop Volunteer Fire Department services provided to residential structures fires within the city's corporate limits, unless it is determined that the firefighting services rendered by Bastrop Volunteer Fire Department were a direct result of negligent, malicious act(s) and/or omission, on the part of the property owners/residents. This residential exclusion does not apply to multifamily residential units that provide housing to more than two families, i.e., having more than two separate residential units.

(f) First responder/medical assist calls to residences, (i.e., not involving a motor vehicle), that are located within the city's corporate limits are hereby exempted from the Bastrop Volunteer Fire Department fees and charges, unless it is determined that the emergency services rendered were a direct result of negligent, malicious act(s) and/or omissions, on the part of persons receiving the treatment.

(g) In December of each year that this article is in effect, the Fire Chief shall prepare a summary report of the Bastrop Volunteer Fire Department's collections and assessments as per

this article, and shall submit it to the city manager. The City Manager shall forward the report to the City Council for its review, consideration and comment during a city council meeting.

(h) The Bastrop Volunteer Fire Department's allocation of fees collected, shall be proportional as between the city and the Fire Department, and the division of same shall be based upon the ownership of the equipment used by the Bastrop Volunteer Fire Department on the call that generates the fee.

(i) The Bastrop Volunteer Fire Department shall remit to the city's Finance Department the city's portion of fees collected pursuant to this article, by the 15th of each applicable month, along with documentation used by the Bastrop Volunteer Fire Department in determining the city's portion of fees collected.

Part 3. Savings Clause.

It is hereby declared to be the intention of the City Council of the City of Bastrop, that the sections, paragraphs, sentences, clauses and phrases in this Chapter of this Code are severable; and if any phrase, clause, paragraph or section of this Chapter shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter since the same would have been enacted by the City Council without the incorporation in this Chapter of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Part 4: Repealing Clause.

All ordinances and parts of ordinances that are in conflict with the terms of this Ordinance are hereby repealed.

Part 5: Effective Date.

This Ordinance shall become effective from and after the date of its final approval and in accordance with the City Charter and the City of Bastrop.

PASSED AND APPROVED on the First Reading on this the 13th day of October, 2015.

PASSED AND ADOPTED on the Second Reading on this the 10th day of November, 2015.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin
City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 3, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **Approval of Bastrop Marketing Corporation's request for reimbursement of funds for September 2015 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.**

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

4. Policy Implication: _____

5. Budgeted: X Yes No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: **Approval of Bastrop Marketing Corporation's reimbursement request for September 2015.**

9. Advisory Board: Approved Disapproved None

10. Manager's Recommendation: Approved Disapproved None

11. Action Taken: _____

**CITY OF BASTROP
FINANCE
DEPARTMENT**

Memo

To: Mayor, City Council and City Manager
From: Tracy Waldron, Chief Financial Officer
Date: November 4, 2015
Re: Reimbursement of Accrued Bastrop Marketing Corporation Expenses

Attached is the request from Bastrop Marketing Corporation (BMC) for payment of funds in accordance with the Tourism Marketing Agreement that was signed with the City of Bastrop in November 2003.

This request is for the time period for September 2015. There is a month lag in the receipt of the hotel occupancy tax monies.

It is recommended that Council approve the reimbursement of funds in the amount of \$74,258.81 for September 2015 to BMC in accordance with our agreement to be spent on advertising and marketing the City of Bastrop area. This amount represents 43% of the tax collections.

If you have any questions regarding this agreement please contact me at 512-332-8820.

Bastrop Marketing Corporation ("BMC")
October 2015 through September 2016 - Budget

	0 1 5				2 0 1 6									
	September	October	November	December	January	February	March	April	May	June	July	August	September	
HRLPR Room Revenues	\$2,502,731.43	\$ -	\$ 2,402,471.39	\$ 1,722,040.54	\$ 1,680,111.04	\$ 1,948,304.57	\$ 3,225,513.57	\$ 2,694,634.27	\$ 2,631,891.63	\$ 3,645,422.07	\$ 4,249,424.93	\$ 3,201,336.09	\$ 2,782,820	
Exemptions	-	-	-	-	-	-	-	-	-	-	-	-	-	
Taxable Room Revenues	2,502,731.43	-	2,402,471.39	1,722,040.54	1,680,111.04	1,948,304.57	3,225,513.57	2,694,634.27	2,631,891.63	3,645,422.07	4,249,424.93	3,201,336.09	2,782,820	
City of Bastrop HOT Rate	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	
City of Bastrop HOT Tax	\$ 175,191.20	\$ -	\$ 168,173.00	\$ 120,542.84	\$ 117,607.77	\$ 136,381.32	\$ 225,785.95	\$ 188,624.40	\$ 184,232.41	\$ 255,179.54	\$ 297,459.75	\$ 224,093.53	\$ 191,105.77	
Gross Liability to City	\$ 175,191.20	\$ -	\$ 168,173.00	\$ 120,542.84	\$ 117,607.77	\$ 136,381.32	\$ 225,785.95	\$ 188,624.40	\$ 184,232.41	\$ 255,179.54	\$ 297,459.75	\$ 224,093.53	\$ 191,105.77	
Hotel Owner Collection Allowance (1%)	(1,751.91)	-	(1,681.73)	(1,205.43)	(1,176.08)	(1,363.81)	(2,257.86)	(1,886.24)	(1,842.32)	(2,551.80)	(2,974.60)	(2,240.94)	(1,911.06)	
Net Collection by City	173,439.29	-	166,491.27	119,337.41	116,431.69	135,017.51	223,528.09	186,738.16	182,390.09	252,627.74	294,485.15	221,852.59	189,194.71	
Applicable % payable to BMC	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	
Funds Available to BMC	74,578.89	-	71,591.25	51,315.09	50,065.63	58,057.53	96,117.08	80,297.41	78,427.74	108,629.93	126,628.61	85,396.61	81,283.65	
Total Budget	\$891,105.77	Allocated:	74,258.81	74,258.81	74,258.81	74,258.81	74,258.81	74,258.81	74,258.81	74,258.81	74,258.81	74,258.81	74,258.86	
Payment of Funds by City to BMC	\$ 74,258.81	\$ 320.08	\$ 71,591.25	\$ 51,315.09	\$ 50,065.63	\$ 58,057.53	\$ 96,117.08	\$ 80,297.41	\$ 78,427.74	\$ 108,629.93	\$ 126,628.61	\$ 85,396.61	\$ 81,283.65	
	currently due	Paid 1/6/2015	Paid 2/5/2015	Paid 2/19/2015	Paid 3/11/2015	Paid 4/23/2015	Paid 5/22/2015	Paid 6/11/2015	Paid 6/6/2015	Paid 8/20/2015	Paid 9/4/2015			

Updated:

74,578.89	146,170.14	197,485.23	247,590.66	305,608.39	401,725.47	482,022.88	580,450.62	669,080.55	795,709.16	891,105.77
148,517.62	222,776.43	297,035.24	371,294.05	445,552.86	519,811.67	594,070.48	668,329.29	742,588.10	816,846.91	891,105.77

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 3, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **Consideration, discussion and possible action by the City Council for approval and adoption of the Resolution adding Texas Cooperative Liquid Assets Securities System Investment Pool (Texas CLASS), a local government investment pool administered by Public Trust Advisors, LLC, thus creating a program for diversification of the City of Bastrop's investments in accordance with the Public Funds Investment Act, Texas Government Code, Section 2256.001 et seq. and the City of Bastrop's Investment Policy.**
2. Party Making Request: **Tracy Waldron, Chief Financial Officer**
3. Nature of Request: (Brief Overview) Attachments: Yes **X** No
4. Policy Implication: _____
5. Budgeted: Yes No N/A
- Bid Amount: _____ Budgeted Amount: _____
- Under Budget: _____ Over Budget: _____
- Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: **Approval of Texas CLASS as an additional investment pool for the City's investments.**
9. Advisory Board: Approved Disapproved None
10. Manager's Recommendation: Approved Disapproved None
11. Action Taken: _____

RESOLUTION NO. R-2015 - 25

A RESOLUTION ADDING TEXAS COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM INVESTMENT POOL (TEXAS CLASS), A LOCAL GOVERNMENT INVESTMENT POOL THUS CREATING A PROGRAM FOR DIVERSIFICATION OF THE CITY OF BASTROP'S INVESTMENTS.

WHEREAS, the Public Funds Investment Act, Texas Government Code, Section 2256.001 et seq. (the "Act"), requires the governing body of each local government in this State to adopt investment policies in accordance with the terms of the Act; and

WHEREAS, pursuant to the requirements of the Act, the Board of Trustees (the "Governing Body") of the City of Bastrop, Texas, (the "Local Government") has previously reviewed and adopted an investment policy (the "Policy") that provides in part that the funds of the local government will be invested in investments permitted by the Act in order to: (i) invest only in investments legally permitted under Texas law; (ii) minimize risk by managing portfolio investments to ensure that cash will be available as required to finance operations; and (iv) maximize current income to the degree consistent with legality, safety and liquidity; and

WHEREAS, pursuant to the Policy and the Act, the Local Government has appointed Tracy Waldron (the "Investment Officer") to act as the investment officer of the Local Government; and

WHEREAS, the Act provides that funds under the control of a Local Government may be invested through investment pools meeting the standards of Section 2256.016 of the Act; and

WHEREAS, the Local Government has received and reviewed the Information Statement, dated October 1, 2013 (the "Information Statement"), of Texas Cooperative Liquid Assets Securities System, an investment pool administered by Public Trust Advisors, LLC, (the "Program"), which sets forth the information required by Section 2256.016(b) of the Act; and

WHEREAS, the Local Government has determined that the investments proposed to be acquired by the Program are of a type that are permitted by the Act and are consistent with the Policy; and

WHEREAS, the Local Government has determined that an investment in the Program will assist the Local Government in achieving the goals set forth in the Policy, and will tend to preclude imprudent investment activities arising out of investment transactions conducted between the Local Government and the Program; and

WHEREAS, the Local Government understands that the Program operates through the Sixth Amended and Restated Trust Agreement dated as of August 16, 2013 (the "Trust Agreement"), which provides the terms on which the Program will operate and the rights of the participants in the Program and sets forth the responsibilities of Public Trust Advisors, LLC, as the administrator of the Program (the "Administrator"), and of Wells Fargo Bank as custodian (the "Custodian");

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT:

That the form, terms and provisions of the Trust Agreement, and draft of which was presented and reviewed at this meeting, providing for the creation of the Program and for the rights of the Program participants and the duties and responsibilities of the Administrator, be and the same are hereby approved and adopted; and that the Investment Officer be and he or she is hereby authorized and directed to execute and deliver to the Administrator and the Custodian in the name and on behalf of the Local Government to be bound by the Trust Agreement substantially in the form of the Trust Agreement reviewed and approved at this meeting, together with such changes therein as may be approved by the said officer, such approval to be conclusively evidenced by the execution thereof; and be it further

Resolved, that the investment program established by the Trust Agreement is hereby found and determined to be consistent with the Policy, and to preclude imprudent investment activities arising out of investment transactions conducted between the Local Government and the Program; and be it further

Resolved, that the Governing Body hereby officially finds and determines that the facts and recitations contained in the preamble of this Resolution are true and correct; and be it further

Resolved, that the Governing Body hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted for the time required by law preceding this meeting, and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meeting Act, Chapter 551, Texas Government Code, as amended, and the Act; and be it further

Resolved, that the officers of the Local Government, and each of them, shall be and each is expressly authorized, empowered and directed from time to time to do and perform all acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Local Government all certificates, instruments and other papers, whether or not herein mentioned as, they may determine to be necessary or desirable in order to carry out the

terms and provisions of this Resolution and of the Trust Agreement hereby authorized and approved, I such determination to be conclusively evidenced by the performance of such acts and things and the execution of any such acts and things and the execution of any such certificate, financing statement, instrument or other papers; and be it further

Resolved, that this Resolution shall take effect and be in full force and effect upon and after its passage.

READ and APPROVED on First Reading on the 10th day of November, 2015.

APPROVED:

ATTEST:

Ken Kesselus
Mayor

Ann Franklin
City Secretary

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

- 1. Agenda Item: Consideration, discussion and possible action by the City Council for approval and adoption of the Resolution adding Financial Northeastern Securities, Inc. to the Eligible Broker/Dealer List to engage in investment transactions on behalf of the City of Bastrop in accordance with the City of Bastrop's Investment Policy.**

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

4. Policy Implication:

5. Budgeted: Yes No N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
-------------	------------	---------	------	-------------

a) _____

b) _____

8. Staff Recommendation: Approval of the Resolution to add to the Eligible Broker/Dealer List of authorized brokers to engage in investment transactions for the City.

9. Advisory Board:	Approved	Disapproved	None
--------------------	----------	-------------	------

10. Manager's Recommendation: Approved Disapproved None

11. Action Taken: _____

RESOLUTION NO. R-2015-24

**RESOLUTION ESTABLISHING A LIST OF ELIGIBLE
BROKER/DEALERS FOR USE BY THE CITY'S INVESTMENT OFFICER, IN
ACCORDANCE WITH THE CITY'S INVESTMENT POLICY.**

WHEREAS, the City of Bastrop Charter, Article VI § 6.13, provides that the City Manager may invest any City monies in accordance with policies adopted by the Council and provided by state law, and such policies shall be reviewed by the Council annually; and

WHEREAS, the City's Investment Policy requires broker/dealers eligible for the purchase and sale of investments be approved by City Council; and

WHEREAS, the City Investment Officer maintains a list of eligible broker/dealers; and

WHEREAS, the City Investment Officer has performed a due diligence review of the list of broker/dealers in compliance with the City's investment policy; and

WHEREAS, eligible broker/dealers have signed the necessary certification indicating their understanding of the City's Investment Policy and have implemented reasonable procedures and controls designed to fulfill its objectives and conditions; and

WHEREAS, the attached list adds Financial Northeastern companies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

- (1) The City Council of the City of Bastrop, Texas, approves and adopts the eligible broker/dealer list attached hereto as Exhibit A and made a part hereof by this reference.

PASSED AND ADOPTED by the City Council of the City of Bastrop, Texas on the 10th day of November, 2015.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:
Jo-Christy Brown, City Attorney

EXHIBIT A

Eligible Broker/Dealer List *Nov. 10, 2015*

BROKER
Financial Northeastern Securities, Inc.

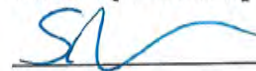
**Texas Public Funds Investment Act
Certification by Dealer**

This certification is executed on behalf of City of Bastrop, TX (the Investor) and Financial Northeastern Securities, Inc. (the Dealer) pursuant to the Public Funds Investment Act, Chapter 2256, Government Code, Texas Codes Annotated (the Act) in connection with investment transactions conducted between the Investor and Dealer.

The undersigned Qualified Representative of the Dealer hereby Certifies on behalf of the Dealer that:

1. The Dealer Qualified Representative is duly authorized to execute this Certification on behalf of the Dealer, and
2. The Dealer Qualified Representative has received and reviewed the Investment Policy furnished by the Investor, and
3. The Dealer has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Dealer and the Investor that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

Dealer Qualified Representative



Signature

Samuel Vaughan

Name (Printed)

Assistant Vice President

Title

November 3, 2015

Date

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 3, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Administrative Plat of Allen Subdivision located on North Main and Old McDade Road within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: **Staff recommends approval of the statutory denial.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 3, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Washington No. 2 Final Plat located north of Mesquite Street and west of an unopened portion of Hill Street within the city limits of Bastrop, Texas.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: **Staff recommends approval of the statutory denial.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

11-10-15



STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS: That Fred B. Bunting, Sr., owner of 2.830 acres out of Tract Lot 10 (DUG), within the City of Belling, as created in the COMMISSIONER'S OFFICE, Belling County, Texas, by Order of the Board of Commissioners of Belling County, Texas, dated and recorded in the Public Records of Belling County, Texas, in Book _____, Page _____, and do hereby dedicate to the Public the use of the Commission's as shown hereon. Witness my hand this _____ day of _____, 201____, A.D. _____ Brian S. Bunting, Sr. Mayor, City of Belling, Texas 2400 N. Hill Street Belling, TX 75802 512/256-1799	STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS: That Fred B. Bunting, Sr., owner of 2.830 acres out of Tract Lot 10 (DUG), within the City of Belling, as created in the COMMISSIONER'S OFFICE, Belling County, Texas, by Order of the Board of Commissioners of Belling County, Texas, dated and recorded in the Public Records of Belling County, Texas, in Book _____, Page _____, and do hereby dedicate to the Public the use of the Commission's as shown hereon. Witness my hand this _____ day of _____, 201____, A.D. _____ _____ Notary Public in and for the State of Texas Printed Name of Notary / Agent _____
STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS: That Fred B. Bunting, Sr., owner of 2.830 acres out of Tract Lot 10 (DUG), within the City of Belling, as created in the COMMISSIONER'S OFFICE, Belling County, Texas, by Order of the Board of Commissioners of Belling County, Texas, dated and recorded in the Public Records of Belling County, Texas, in Book _____, Page _____, and do hereby dedicate to the Public the use of the Commission's as shown hereon. Witness my hand this _____ day of _____, 201____, A.D. _____ _____ Notary Public in and for the State of Texas Printed Name of Notary / Agent _____	STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS: That Fred B. Bunting, Sr., owner of 2.830 acres out of Tract Lot 10 (DUG), within the City of Belling, as created in the COMMISSIONER'S OFFICE, Belling County, Texas, by Order of the Board of Commissioners of Belling County, Texas, dated and recorded in the Public Records of Belling County, Texas, in Book _____, Page _____, and do hereby dedicate to the Public the use of the Commission's as shown hereon. Witness my hand this _____ day of _____, 201____, A.D. _____ _____ Notary Public in and for the State of Texas Printed Name of Notary / Agent _____

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55223 00 200-000 / 200-000 0 0000 0000

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 3, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **Approval of the Final Plat for XS Ranch Road, Section One located within the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ).**

2. Party Making Request: **XS Ranch Fund VI, LP**
c/o Coast Range Investments, LLC

3. Nature of Request: (Brief Overview) Attachments: Yes X No

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation: **Staff recommends approval of the Final Plat for XS Ranch Road, Section One. The plat appears to meet all subdivision and development agreement requirements.**

9. Advisory Board: _____ Recommended Approval _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

November 10, 2015

Project Description:

Approval of the Final Plat for XS Ranch Road, Section One located in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ)

Item Summary:

Owner: XS Ranch Fund VI, LP
Applicant: Joseph Longaro, P.E., Longaro & Clarke
Location: Located in the Extra Territorial Jurisdiction (ETJ)
Utilities: Bluebonnet electric, MUD

Background:

XS Ranch will be a master-planned, mixed-use community that will primarily consist of residential uses. XS Ranch entered into a Development Agreement with the City of Bastrop in November 2009. The subdivision will also be located in a MUD (Municipal Utility District) district.

This is the first plat for XS Ranch Development and it comprises primarily of the ROW portion of XS Ranch Road. This road will connect to FM 969 and complete a bridge over the Colorado River. This will be one of the main entrances into XS Ranch.

City Council approved the Preliminary Plat February 12, 2013.

Basis of Support:

Staff supports the Final Plat for XS Ranch, Section 1. The Traffic Impact Analysis has been reviewed and accepted. The plat appears to meet all subdivision and development agreement requirements.

The developer plans to complete the construction of the ROW and bridge prior to recording the plat.

Special Considerations: None.

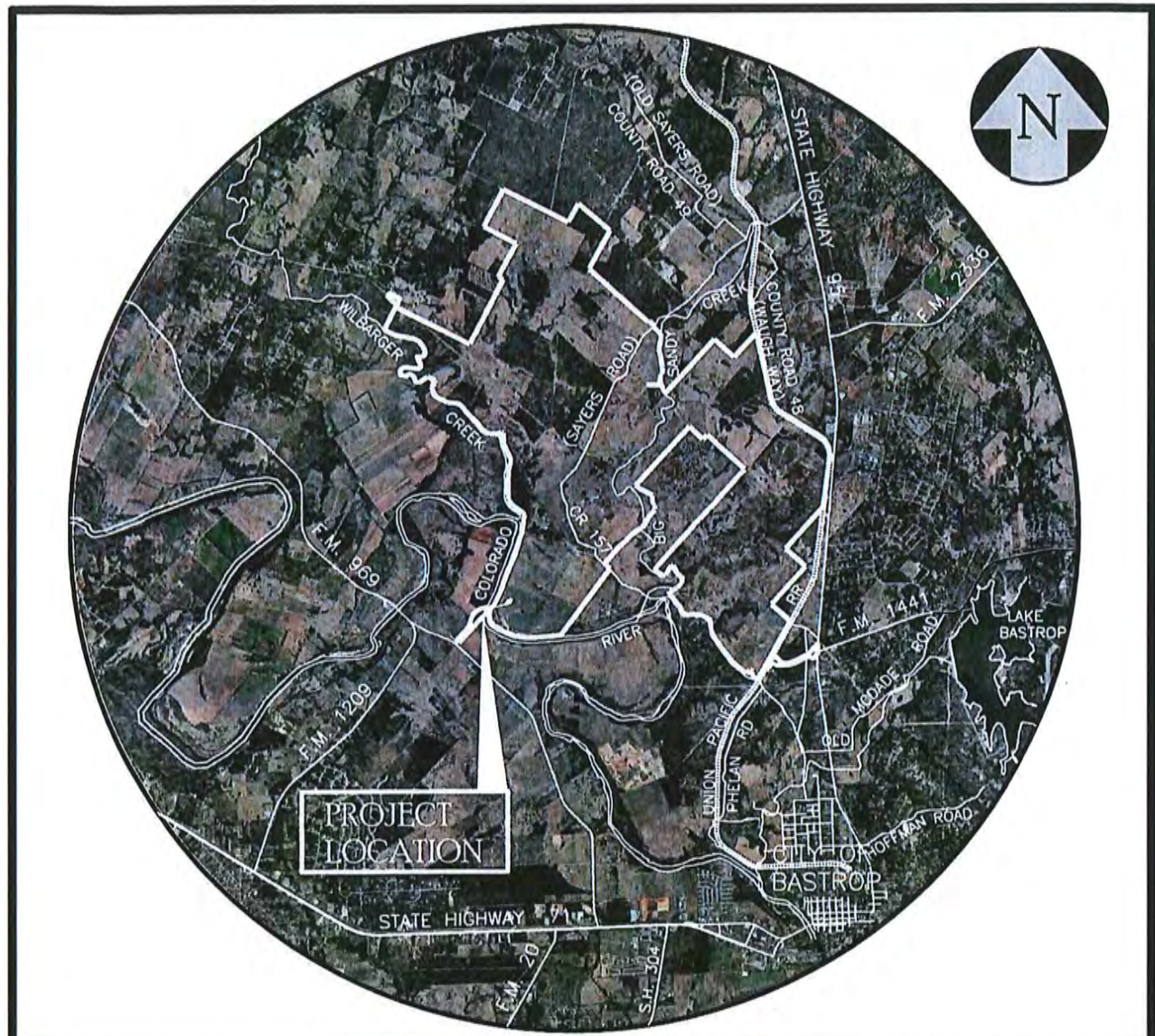
Comments: Six (6) adjacent property owner notifications were mailed October 27, 2015.

Staff Recommendation:

Staff recommends approval of the requested Final Plat for XS Ranch Phase 1A located in the Bastrop Texas Extra Territorial Jurisdiction (ETJ).

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department
Wesley Brandon, PE. City Engineer



Address: FM 969 and Doc Bryson Lane

XS Ranch Location Map

LC LONGARO & CLARKE
Consulting Engineers

Land Development • Stormwater Management • Water Resources

3839 Bee Cave Road • Suite 150 • Austin, Texas 78746

(512) 306-0228 ~ www.LongaroClarke.com ~ TBPE Reg. No. F-544

RECEIVED
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STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **PUBLIC HEARING: Consideration, discussion and possible action on a Variance to the Subdivision Ordinance, Section 6.50.2 (A) requiring that each lot in a subdivision abut on a public street. The proposed Taylor Lane Subdivision is a +/- 2.97 acre out of the Nancy Blakey Survey A98 located on Taylor Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).**
2. Party Making Request: **Melissa McCollum, Director of Planning and Development**
3. Nature of Request: (Brief Overview) Attachments: Yes X X No
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
8. Staff Recommendation: **Staff recommends approval of the variance to road frontage as this subdivision has remained in this configuration for 32 years and has an existing access easement and gravel drive that serves all three lots. Two of the three lots already have existing residential structures and all three property owners are applicants on the plat submittal.**
9. Advisory Board Recommendation: _____ Recommended Approval _____ Denial _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

November 10, 2015

Project Description:

Public hearing, discussion, consideration and possible action on a Variance to Subdivision Regulations Section 6.50.2 A – Access to Lots – Each lot in a subdivision shall abut on a public street. The proposed Taylor Lane Subdivision is +/-2.97 acres out of the Nancy Blakey Survey A98 located on Taylor Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Item Summary:

Owners: Maria Del Rosario Tellez-Valtierra, Mario C. Perez and Naomi and Michael Langham
Applicant: Maria Del Rosario Tellez-Valtierra, Mario C. Perez and Naomi and Michael Langham
Location: 2.97 acres east of Taylor Lane in the ETJ.
Utilities: Aqua water, septic, and Bluebonnet electric

Background:

The proposed three (3) residential lots are located in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ), north of State Highway 21 and east of Union Chapel Road on Taylor Lane. The subdivision consists of three (3) +/-0.99 acre parcels that have been in this configuration since 1983. Our Subdivision Ordinance legal lot date is April 20, 1981.

Lot 1 has an existing home, Lot 2 is vacant and Lot 3 has an existing home.

Issues/Variance:

The Subdivision Ordinance, Section 6.50.2 (A) requires each lot in a subdivision abut a public street. Lots 2 and 3 of this proposed subdivision do not abut Taylor Lane, access to these lots are through a recorded 30' Access Easement. There is no alternate circulation route due to the arrangement of adjoining lots.



Comments: Eleven (11) adjacent property owner notifications were mailed 10/26/2015. At the time of report preparation, no public comments have been received.

Staff Recommendation:

Staff recommends approval of the variance to road frontage as this subdivision has remained in this configuration for 32 years, and has an existing access easement and gravel drive that serves all three lots. Two of the three lots already have existing residential structures and all three property owners are applicants on the plat submittal.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments:

Variance letter request from James Garon & Associates, copy of proposed plat

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

185 McAllister Rd.
P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austln.rr.com

September 11, 2015

The Honorable Kenneth W. Kesselus, Mayor and Council Members
Bastrop City Hall
1311 Chestnut Street
Bastrop, Texas 78602

RE: Taylor Lane Subdivision Final Plat; Variance request

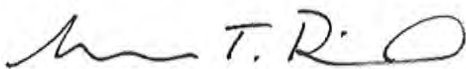
Dear Mayor Kesselus and Council members:

We are requesting a variance from the City of Bastrop Subdivision Ordinance, Section 6.50.2(A), requiring each lot in a subdivision to abut a public street. The subdivision in question abuts Taylor Lane approximately 1800 feet north of the intersection of Taylor Lane and State Highway 21 and lies within the City's Extraterritorial Jurisdiction.

The subdivision consists of three 0.99 acre parcels that have been in the current configuration since 1983, and no changes are being proposed to the property boundaries. The two eastern most lots do not abut a public street and have historically accessed Taylor Lane via a 30 foot access easement.

Platting is required at this time due to the current owners' need to make improvements to their respective properties. An alternate circulation route does not exist due to the arrangement of adjoining lots. Adherence to the street abutment rule in this case would place undue hardship on the property owners.

Sincerely,



Glenn T. Dial
Registered Professional Land Surveyor

FILE: Server\Co\Bastrop\Subd\Taylor Lane Subd\38115 Var Req Let.doc

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **PUBLIC HEARING: Conduct a public hearing to receive citizens input on an amendment to the Zoning Ordinance, Chapter 14, Section 36.2, Zoning Use Charts and A-3, Definitions. Amend to define moving of existing building(s)/structure(s) with a Conditional Use Permit (CUP) within residential zoning classifications and to amend Chapter 3, Building Regulations, Article 3.16.002 and 3.16. 006.**
2. Party Making Request: **Melissa McCollum, Director of Planning and Development**
3. Nature of Request: (Brief Overview) Attachments: Yes X X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
a) _____
8. Staff Recommendation: **Staff recommends the changes to Zoning Ordinance Section 36.2and A-3, Definitions and Chapter 3, Building Regulations.**
9. Advisory Board Recommendation: XX **Recommended Approval** _____ Denial _____ None _____

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted six (6) in favor to recommend approval of the changes to Zoning Ordinance Section 36.2 and A-3, Definitions and Chapter 3, Building Regulations.

Staff

10. Manager's Recommendation: _____Approved _____Disapproved _____None
11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

November 10, 2015

Public Notice Description:

Public hearing, discussion and possible action on an amendment to the Zoning Ordinance, Chapter 14, Section 36.2, Zoning Use Charts and A-3, Definitions. Amend to define moving of existing building(s)/structure(s) with a Conditional Use Permit (CUP) within residential zoning classifications and to amend Chapter 3, Building Regulations, Article 3.16.002 and 3.16. 006

Item Summary:

The City's zoning code does not currently speak to movement of existing single family structures within the city limits. This code amendment would amend the Zoning Ordinance and Chapter 3, Building Regulations to define "existing structures" and allow these uses with a Conditional Use Permit (CUP) within residential zoning classifications.

Background:

These code amendment changes are a result of discussions among staff, Construction Standards Board, and Planning and Zoning Commission. The Construction Standards Board met on April 21, 2015 to discuss changes and had a joint meeting with the Planning and Zoning Commission on May 28, 2015. The Construction Standards Board also met on October 1, 2015 and adopted the attached Resolution to support the changes to both the Zoning Ordinance and Building Regulations.

Code Amendments:

Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 36.2, shall be, and is hereby, amended so that Section 36.2 shall be added hereafter read as follows:

SECTION 36.2 ZONING USE CHART – Primary Residential Uses

Primary Residential Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Existing Residential Building(s)/ Structure(s) being "moved into/relocated" within the City	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>											<u>C</u>	<u>C</u>

Chapter 14, Exhibit A, Appendix A-3 of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to include the following definitions:

A-3 DEFINITIONS

EXISTING BUILDING(s)/STRUCTURE(s) –building(s)/structure(s) erected prior to the date of adoption of the appropriate code. If such structure(s) is to be moved/placed within the City Limits a CUP is required and must comply Chapter 3, Article 3.16, Moving of Structures.

Chapter 3, Building Regulations, Article 3.16, Moving of Structures, Demolition and Site Work, of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended:

ARTICLE 3.16 MOVING OF STRUCTURES, DEMOLITION AND SITE WORK

Sec. 3.16.002 Standards for moving

(b) No moving permit shall be issued for a structure to be placed on a property without a Conditional Use Permit, CUP, submittal of a site development application and receipt of a land development permit.

(c) No substandard buildings or structures will be allowed or permitted to be moved into the city limits without a Conditional Use Permit, CUP.

(d) No unsafe or hazardous buildings, structures or containers shall be allowed to be moved into the city limits. Permits must be applied for to show what is being done to the building(s)/structure(s) to upgrade and bring the building(s)/structure(s) up to the City Building Code requirements as well as to comply with the granted CUP. A certified inspection of the condition of the structure(s) along with pictures of the buildings(s)/structure(s) to be moved including site plan showing where the finished building will be locate/placed meeting all site requirements.

(e) Permits to move a building or a structure into the city limits shall first meet all the requirements of the Zoning Ordinance and CUP.

Sec. 3.16.006 Moved buildings to comply with minimum building standards

(c) Time for compliance. All buildings or structures moved or relocated into or within the city must be brought into compliance with city minimum building standards within 45 days, or as allow in (d) below, from the date the move is substantially completed. Failure to complete such repairs or renovations within 45 days will cause the building to be subject to the city regulations regarding abatement of substandard structures, as set out in Article 3.12 of this code.

(d) Conditional Use Permit (CUP) requirements. The CUP will require a schedule of the complete project from start of the move to the completion of the project and request for a Certificate of Occupancy. During the remodel/construction period, the schedule shall be updated monthly. Any extended delay of non-substantial progress as determined by the Building Official shall be reviewed to determine if the building is being abandoned or stalled in construction indefinitely. Such a ruling will require removal from the city and/or demolition of the building and clearing of the lot. Such a project is expected to be done within one year, excluding valid weather delays. Any project expected to exceed this exception shall include a very detailed schedule with explanations for the long term construction.

Staff Recommendation: Staff recommends the above changes to Zoning Ordinance Section 36.2 and A-3, Definitions and Chapter 3, Building Regulations.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted six (6) in favor to recommend approval of the changes to Zoning Ordinance Section 36.2 and A-3, Definitions and Chapter 3, Building Regulations.

City Contact:

Melissa M. McCollum, AICP, LEED AP - Director
Planning and Development

Attachments:

Resolution

RESOLUTION NO. 2015-_____

WHEREAS, the Construction Standards Board formally presents the following Resolution of support for code changes to amend Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance to the Planning and Zoning Commission for a recommendation to City Council; and

WHEREAS, the Construction Standards Board held and discussed issues regarding moving/relocating existing structures during their regularly scheduled individual board meetings on April 21, 2015; and

WHEREAS, the Construction Standards Board had a joint meeting with the Planning and Zoning Commission May 28, 2015 discuss possible ordinance changes; and

WHEREAS, the Construction Standards Board on October 1, 2015 voted to establish an amendment to require a Condition Use Permit (CUP) to move an existing structure within the city limits; and

WHEREAS, the Construction Standards Board asks for Council's consideration and approval of a City initiated amendment to Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance; and

WHEREAS, the Construction Standards Board met and as a part of the Conditional Use Permit (CUP) process the applicant shall submit pictures of the buildings/structures to be moved. Such pictures shall include all views of the buildings/structures so it can be determined what is being moved into the City. It shall include a certified inspection

on the condition of the structure. Also an artistic or architectural rendition (site plan) showing the proposed finished building and site at the completion of the project which will show where the building will be located/placed meeting setbacks etc.; and

WHEREAS, building permits shall be applied for to show what is to be done to upgrade and bring the building up to City Building Code requirements as well as to comply with the granted CUP; and

WHEREAS, the residential CUP will require a schedule of the complete project from start of the move to the completion of the project and request for a Certificate of Occupancy; and

WEREAS, during the remodel/construction period, the schedule shall be updated monthly. Any extended delay of non-substantial progress as determined by the Building Official shall be reviewed to determine if the building is being abandoned or stalled in construction indefinitely; and

WHEREAS, such a ruling will require removal from the City and/or demolition of the building and clearing of the lot; and

WHEREAS, such a project is expected to be done in one year excluding valid weather delays. Any project expected to exceed this expectation shall include a very detailed schedule with explanations for the long term construction; and

NOW, THEREFORE BE IT RESOLVED, that the Staff and the Construction Standards Board hereby formally urges and requests the Planning and Zoning Commission and City Council accept the Resolution to amend Article 3.16 and Chapter 14, Section 36 to require an approved Conditional Use Permit (CUP) before allowing the moving/relocation of existing structures into the city limits.

Passed and Approved this 1st day of October, 2015.


Charles Schroeder, Chair Construction Standards Board

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **FIRST READING of an Ordinance granting amendments to the Zoning Ordinance, Chapter 14, Section 36.2 Zoning Use Charts and A.3 Definitions defining the movement of existing building(s)/structures(s) with a Conditional Use Permit (CUP) within residential zoning classifications and amending Chapter 3, "Building Regulations" Article 3.16.002 and 3.16.006; providing a severability clause; and providing an effective date.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes ____ No ____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation: **Staff recommends the changes to Zoning Ordinance Section 36.2 and A-3, Definitions and Chapter 3, Building Regulations.**

9. Advisory Board Recommendation: XX **Recommended Approval** ___ Denial ___ None

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted six (6) in favor to recommend approval of the changes to Zoning Ordinance Section 36.2 and A-3, Definitions and Chapter 3, Building Regulations.

Staff

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. 2015-27

AN ORDINANCE GRANTING AMENDMENTS TO THE ZONING ORDINANCE, CHAPTER 14, SECTION 36.2, ZONING USE CHARTS AND A.3 DEFINITIONS DEFINING THE MOVEMENT OF EXISTING BUILDING(S)/STRUCTURE(S) WITH A CONDITIONAL USE PERMIT (CUP) WITHIN RESIDENTIAL ZONING CLASSIFICATIONS AND AMENDING CHAPTER 3, "BUILDING REGULATIONS" ARTICLE 3.16.002 AND 3.16.006; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop's Zoning Ordinance does not currently speak to movement of existing single family structures within the city limits; and

WHEREAS, this code amendment would amend the Zoning Ordinance and Chapter 3, Building Regulations to define the movement of "existing structures" and allow these uses with a Conditional Use Permit (CUP) within residential classifications; and

WHEREAS, the City Staff prepared recommendations for amendments and presented them to the Construction Standards Board on April 21, 2015; and

WHEREAS, the Construction Standards Board and the Planning and Zoning Commission had a joint meeting on May 28, 2015 to discuss the proposed amendments; and

WHEREAS, the Construction Standards Board met October 1, 2015 and adopted the attached "Exhibit A" Resolution in support of the amendments to both the Zoning Ordinance and the Building Regulations; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing, October 29, 2015 and unanimously recommended the City Council approve the following code amendments to the Zoning Ordinance and Chapter 3, Building Regulations to define the movement of "existing structures" and allow these uses with a Conditional Use Permit (CUP) within residential classifications:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

Part 1: Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 36.2, shall be, and is hereby, amended so that Section 36.2 shall be added hereafter read as follows:

SECTION 36.2 ZONING USE CHART – Primary Residential Uses

Primary Residential Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Existing Residential Building(s)/ Structure(s) being "moved into/relocated" within the City	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>											<u>C</u>	<u>C</u>

Chapter 14, Exhibit A, Appendix A-3 of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to include the following definitions:

A-3 DEFINITIONS

EXISTING BUILDING(s)/STRUCTURE(s) –building(s)/structure(s) erected prior to the date of adoption of the appropriate code. If such structure(s) is to be moved/placed within the City Limits a CUP is required and must comply Chapter 3, Article 3.16, Moving of Structures.

Chapter 3, Building Regulations, Article 3.16, Moving of Structures, Demolition and Site Work, of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended:

ARTICLE 3.16 MOVING OF STRUCTURES, DEMOLITION AND SITE WORK

Sec. 3.16.002 Standards for moving

(b) No moving permit shall be issued for a structure to be placed on a property without a Conditional Use Permit, CUP, submittal of a site development application and receipt of a land development permit.

(c) No substandard buildings or structures will be allowed or permitted to be moved into the city limits without a Conditional Use Permit, CUP.

(d) No unsafe or hazardous buildings, structures or containers shall be allowed to be moved into the city limits. Permits must be applied for to show what is being done to the building(s)/structure(s) to upgrade and bring the building(s)/structure(s) up to the City Building Code requirements as well as to comply with the granted CUP. A certified inspection of the condition of the structure(s) along with pictures of the buildings(s)/structure(s) to be moved including site plan showing where the finished building will be locate/placed meeting all site requirements.

(e) Permits to move a building or a structure into the city limits shall first meet all the requirements of the Zoning Ordinance and CUP.

Sec. 3.16.006 Moved buildings to comply with minimum building standards

(c) Time for compliance. All buildings or structures moved or relocated into or within the city must be brought into compliance with city minimum building standards within 45 days, or as allow in (d) below, from the date the move is substantially completed. Failure to complete such repairs or renovations within 45 days will cause the building to be subject to the city regulations regarding abatement of substandard structures, as set out in Article 3.12 of this code.

(d) Conditional Use Permit (CUP) requirements. The CUP will require a schedule of the complete project from start of the move to the completion of the project and request for a Certificate of Occupancy. During the remodel/construction period, the schedule shall be updated monthly. Any extended delay of non-substantial progress as determined by the Building Official shall be reviewed to determine if the building is being abandoned or stalled in construction indefinitely. Such a ruling will require removal from the city and/or demolition of the building and clearing of the lot. Such a project is expected to be done within one year, excluding valid weather

delays. Any project expected to exceed this exception shall include a very detailed schedule with explanations for the long term construction.

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 10th day of November, 2015.

PASSED and ADOPTED on Second Reading on the _____ day of _____, 2015.

APPROVED:

ATTEST:

Ken Kesselus
Mayor

Ann Franklin
City Secretary

RESOLUTION NO. 2015-_____

WHEREAS, the Construction Standards Board formally presents the following Resolution of support for code changes to amend Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance to the Planning and Zoning Commission for a recommendation to City Council; and

WHEREAS, the Construction Standards Board held and discussed issues regarding moving/relocating existing structures during their regularly scheduled individual board meetings on April 21, 2015; and

WHEREAS, the Construction Standards Board had a joint meeting with the Planning and Zoning Commission May 28, 2015 discuss possible ordinance changes; and

WHEREAS, the Construction Standards Board on October 1, 2015 voted to establish an amendment to require a Condition Use Permit (CUP) to move an existing structure within the city limits; and

WHEREAS, the Construction Standards Board asks for Council's consideration and approval of a City initiated amendment to Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance; and

WHEREAS, the Construction Standards Board met and as a part of the Conditional Use Permit (CUP) process the applicant shall submit pictures of the buildings/structures to be moved. Such pictures shall include all views of the buildings/structures so it can be determined what is being moved into the City. It shall include a certified inspection

on the condition of the structure. Also an artistic or architectural rendition (site plan) showing the proposed finished building and site at the completion of the project which will show where the building will be located/placed meeting setbacks etc.; and

WHEREAS, building permits shall be applied for to show what is to be done to upgrade and bring the building up to City Building Code requirements as well as to comply with the granted CUP; and

WHEREAS, the residential CUP will require a schedule of the complete project from start of the move to the completion of the project and request for a Certificate of Occupancy; and

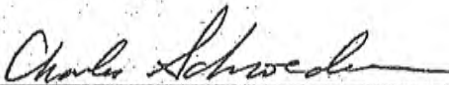
WEREAS, during the remodel/construction period, the schedule shall be updated monthly. Any extended delay of non-substantial progress as determined by the Building Official shall be reviewed to determine if the building is being abandoned or stalled in construction indefinitely; and

WHEREAS, such a ruling will require removal from the City and/or demolition of the building and clearing of the lot; and

WHEREAS, such a project is expected to be done in one year excluding valid weather delays. Any project expected to exceed this expectation shall include a very detailed schedule with explanations for the long term construction; and

NOW, THEREFORE BE IT RESOLVED, that the Staff and the Construction Standards Board hereby formally urges and requests the Planning and Zoning Commission and City Council accept the Resolution to amend Article 3.16 and Chapter 14, Section 36 to require an approved Conditional Use Permit (CUP) before allowing the moving/relocation of existing structures into the city limits.

Passed and Approved this 1st day of October, 2015.


Charles Schroeder, Chair Construction Standards Board

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **PUBLIC HEARING: Conduct a public hearing to receive citizens input on a request to rezone +/-1.774 acres out of a +/-2.837 acre tract within Farm Lot 10 East of Main Street, from MF-2, Multi Family-2 to SF-7, Single Family Residential-7 located north of Mesquite Street also known as 1006 Mesquite within the city limits of Bastrop, Texas.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes X X No

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____

6. Alternate Option/Costs: _____

- | 7. Routing: | <u>NAME/TITLE</u> | <u>INITIAL</u> | <u>DATE</u> | <u>CONCURRENCE</u> |
|-------------|-------------------|----------------|-------------|--------------------|
| a) | | | | |

- 8. Staff Recommendation: Staff recommends approval of the requested zoning change for +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, East of Main Street from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.**

9. Advisory Board Recommendation: XX **Recommended Approval** Denial None

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted five (5) in favor to recommend approval of the rezoning of +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, East of Main Street from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.

One (1) Planning and Zoning Commission member, Richard Kindred, abstained as he is a relative of the applicant.

- | | | | |
|-------------------------------|----------|-------------|------|
| 10. Manager's Recommendation: | Approved | Disapproved | None |
|-------------------------------|----------|-------------|------|

11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

November 10, 2015

Public Notice Description:

Public hearing, discussion and possible action on a request to rezone +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, East of Main Street from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.

Item Summary:

Owner/Applicant: Brian and Ruthie Washington
Location: Farm Lot 10, East of Main Street
Utilities: City water, sewer, and BP&L electric
Zoning: MF-2, Multi Family -2

Background:

This property is currently vacant. The Hill Street right of way (ROW) located east of the property provides access to a City of Bastrop lift station.

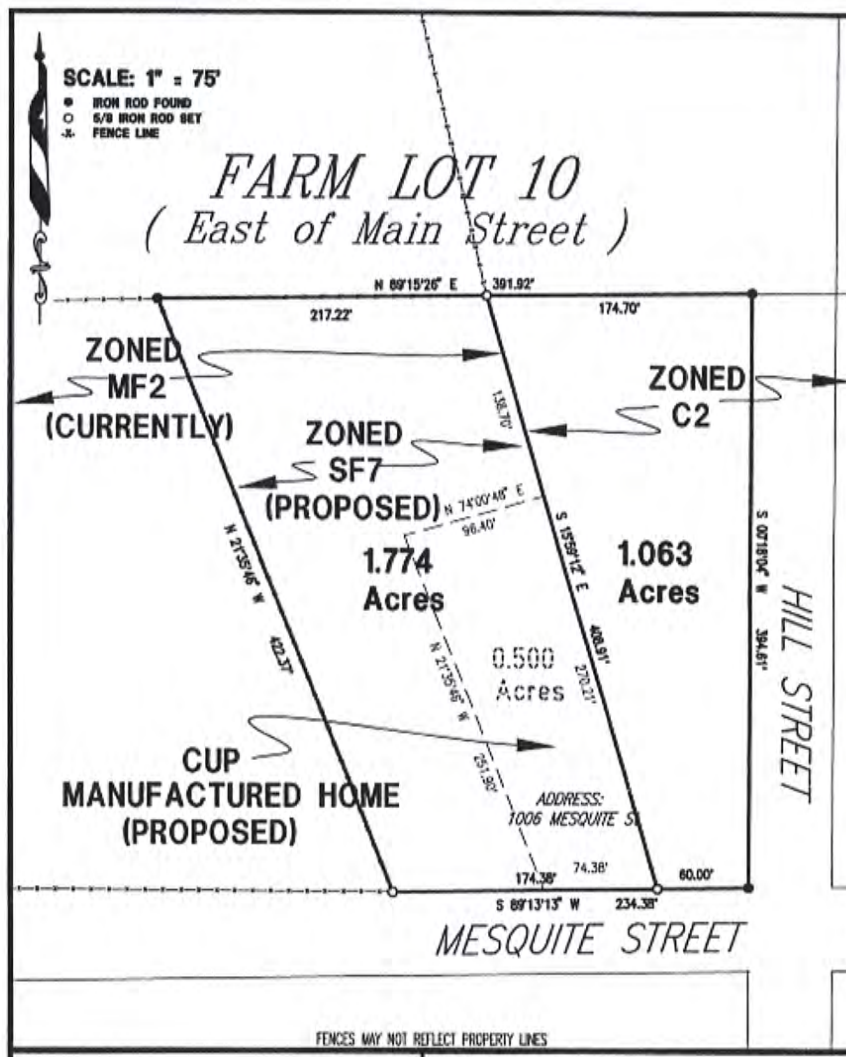


Request/Proposal:

The Washington's would like to rezone a portion of their property from MF-2, Multi Family-2, to SF-7, Single Family Residential-7. This property had been zoned in this configuration since May 1, 1991, with City's official Zoning Map. They would like to keep the commercial portion of their tract C-2, Commercial-2 (Heavy) for future development.

With the zoning change to SF-7, Single Family Residential-7 they would like to use the property for single family development. A separate application is submitted for a manufactured home, Conditional Use Permit, CUP.

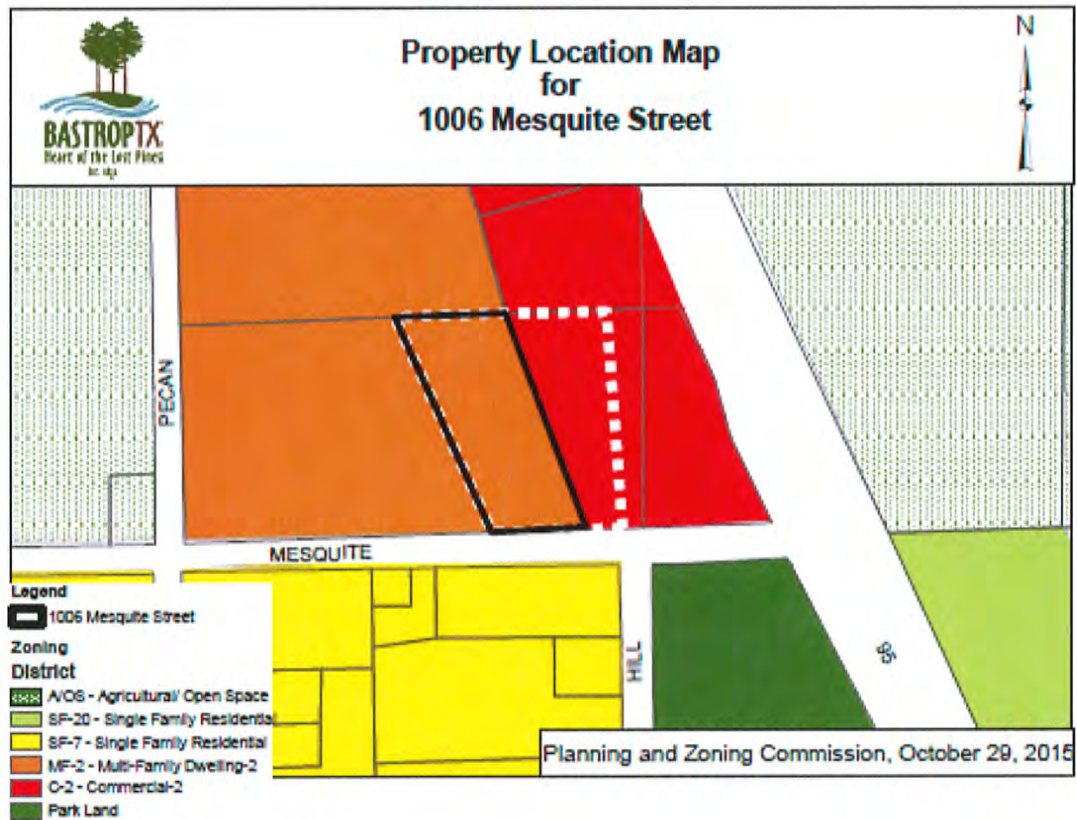
The property is in the process of being platted and any future development will require building permits and a site development application.

Zoning Area

Surrounding Zoning and Land Uses:

Location	Zoning	Future Land Use Plan
North (Vacant and Residential)	C-2, Commercial-2, (Heavy) and MF-2, Multi Family-2	Retail/Office and Apartments
South (Residential)	SF-7, Single Family Residential-7	Manufactured Home Mix
East (Vacant)	C-2, Commercial-2, (Heavy)	Retail/Office
West (Residential)	MF-2, Multi-Family-2 (Residential)	Apartments

Current Zoning area



Comments: 10 adjacent property owner notifications were mailed October 6, 2015. As of this date, one (1) response has been received from the property owner (Washington) in favor. See attachment.

Staff Basis of Support:

Staff supports the zoning change, because the proposed development would be consistent with surrounding residential land uses.

Staff Recommendation:

Staff recommends approval of the requested zoning change for +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, east of Main Street from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted five (5) in favor to recommend approval of the rezoning of +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, east of Main Street from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.

One (1) Planning and Zoning Commission member, Richard Kindred, abstained as he is a relative of the applicant.

City Contact:

Melissa McCollum, AICP, LEED AP - Director
Wesley Brandon, P.E. - City Engineer

Attachments:

Letter from the Applicant, property owner notification response

City of Bastrop
Planning and Zoning Committee,
1311 Chestnut St.
Bastrop, TX 78602
512-332-8840

Re: Rezoning and Conditional Use Permit Applications for 1006 Mesquite St.
Bastrop, Texas 78602

Dear Sir or Ma'am,

We are hereby applying to rezone our property located at 1006 Mesquite street in Bastrop, TX 78602 from the current zoning of multi-family to single family 7 with a request for a conditional use permit to allow a manufactured home on the property. There are several other manufactured homes located within close proximity to the property. For instance, 2307 Pecan has two manufactured homes on two separate lots. Also, on 104/106 Mercedes Cover there is several manufactured homes.

Several of the properties in close proximity to our property are either zoned single family residential or commercial. Please consider our request.

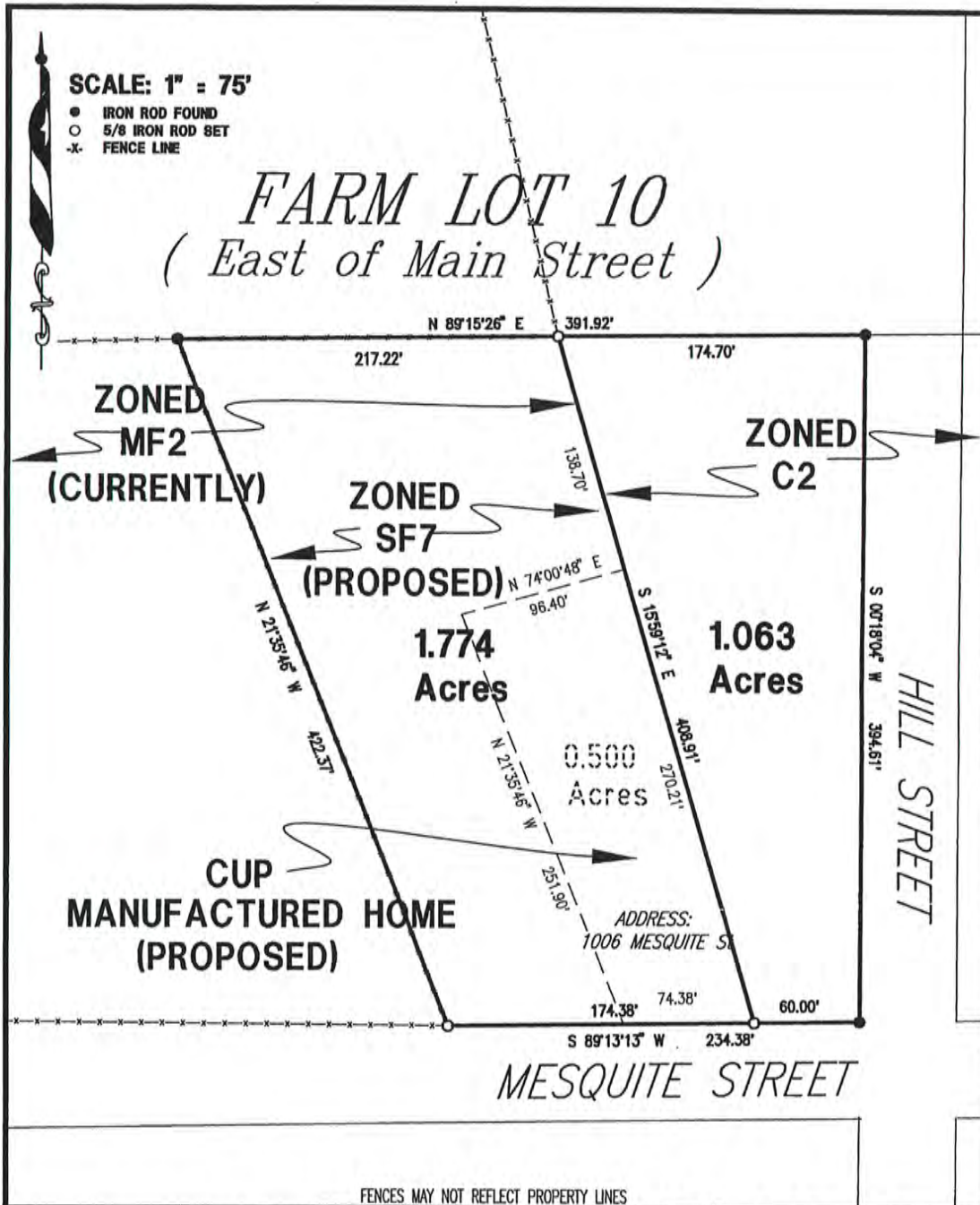
Thanks,

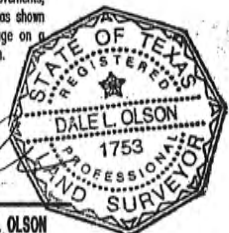


Brian and Ruthie Washington
2408 Hill St.
Bastrop, TX 78602

RECEIVED
SEP 09 2015
By 
512

11-10-15



The undersigned does hereby certify to; the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property legally described hereon, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has frontage on a dedicated road way, except as shown hereon. CERTIFIED COPY ONLY IF YELLOW SEAL IS PRESENT  DALE L. OLSON MICHAEL D. OLSON REG. NO. 1753 REG. NO. 5386 DALE L. OLSON SURVEYING COMPANY DATE: 10/15/15	DALE L. OLSON REGISTERED PROFESSIONAL LAND SURVEYOR 711 WATER STREET (512) 321-5476 BASTROP, TEXAS <i>SURVEY PLAT of TWO - TRACTS out of FARM LOT 10, (East of Main Street), in The City of Bastrop, Bastrop County, Texas.</i> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 30%;">SCALE: 1" = 75.00'</td> <td rowspan="3" style="width: 70%; text-align: center; vertical-align: middle;">BRIAN & RUTHIE WASHINGTON</td> </tr> <tr> <td>DRAFTSMAN: K. Goehrs</td> </tr> <tr> <td>DATE: 10/15/15</td> </tr> </table>	SCALE: 1" = 75.00'	BRIAN & RUTHIE WASHINGTON	DRAFTSMAN: K. Goehrs	DATE: 10/15/15
SCALE: 1" = 75.00'	BRIAN & RUTHIE WASHINGTON				
DRAFTSMAN: K. Goehrs					
DATE: 10/15/15					

Registered Professional Land Surveyor
711 Water Street
Bastrop, Texas 78602
Phone (512)321-5476 Fax (512)303-5476
olsonsurvey@sbcbglobal.net

BEING a 1.774 acre tract or parcel of land out of and being a part of Farm Lot 10, East of Main Street, in the City of Bastrop, as recorded in Plat Cabinet 1, Page 23A, Bastrop County Plat Records, and being a part of that certain 2.836 acre tract in Farm Lot 10, East of Main Street, as described in a deed from Anna Tipton Holt and spouse, Billy Ray Holt, to Brian S. Washington, Sr., recorded in Doc. No. 201508642, Bastrop County Official Public Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

THENCE with the north line of Mesquite Street and the South line of Farm Lot 10, East of Main Street, and the Washington 2.836 acre tract, S 89 deg. 13 min. 13 sec. W, 60.00 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING, for the southeast corner of this tract.

THENCE with the west line of the Washington 2.836 acre tract N 21 deg. 35 min. 46 sec. W, 422.37 feet to a 5/8 inch iron rod set at the northwest corner of same, for the northwest corner of this tract.

THENCE crossing the Washington 2.836 acre tract, S 15 deg. 59 min. 12 sec. E, 408.91 feet to the POINT OF BEGINNING, containing 1.774 acres of land.

Dale L. Olson

Dale L. Olson
Reg. Pro. Land Surveyor 1753

OR



The seal is a circular emblem. The outer ring contains the text "STATE OF TEXAS" at the top and "REGISTERED PROFESSIONAL LAND SURVEYOR" around the bottom. In the center, there is a five-pointed star above the name "DALE L. OLSON" and the number "1753".

Michael D. Olson
Reg. Pro. Land Surveyor 5386

©2015 Dale L. Olson Surveying Co.

Date Created: 10-15-15

✂

PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check ☒ one)

- ☒ I am in favor of the request.
- ☐ I have no objection to the request.
- ☐ I am opposed to the request.

Property Owner Name: Ruth Wilson Washington
Property Address: 1001 Mesquite St.
Bastrop, TX. 78602
Mailing Address: Same

Phone (optional) (512) 303-2026

Email (optional):

Property Owner's Signature: Ruth Wilson Washington
Comments: (Optional)

Please provide reply to:

The Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
or via fax (512) 332-8849

Zoning Change – MF-2 and C-2 to SF-7, 2.836 acres, mailed out October 6, 2015

RECEIVED
OCT 13 2015

By [Signature]

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **FIRST READING of an Ordinance granting a zone change for +/-1.774 acre tract out of Farm Lot 10 East of Main Street, from MF-2, Multi Family-2 to SF-7, Single Family Residential-7 located north of Mesquite Street also known as 1006 Mesquite within the city limits of Bastrop, Texas; and providing an effective date.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes ____ No ____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation: **Staff recommends approval of the requested zoning change for +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, East of Main Street from MF-2, Multi-Family-2 to SF-7 Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.**

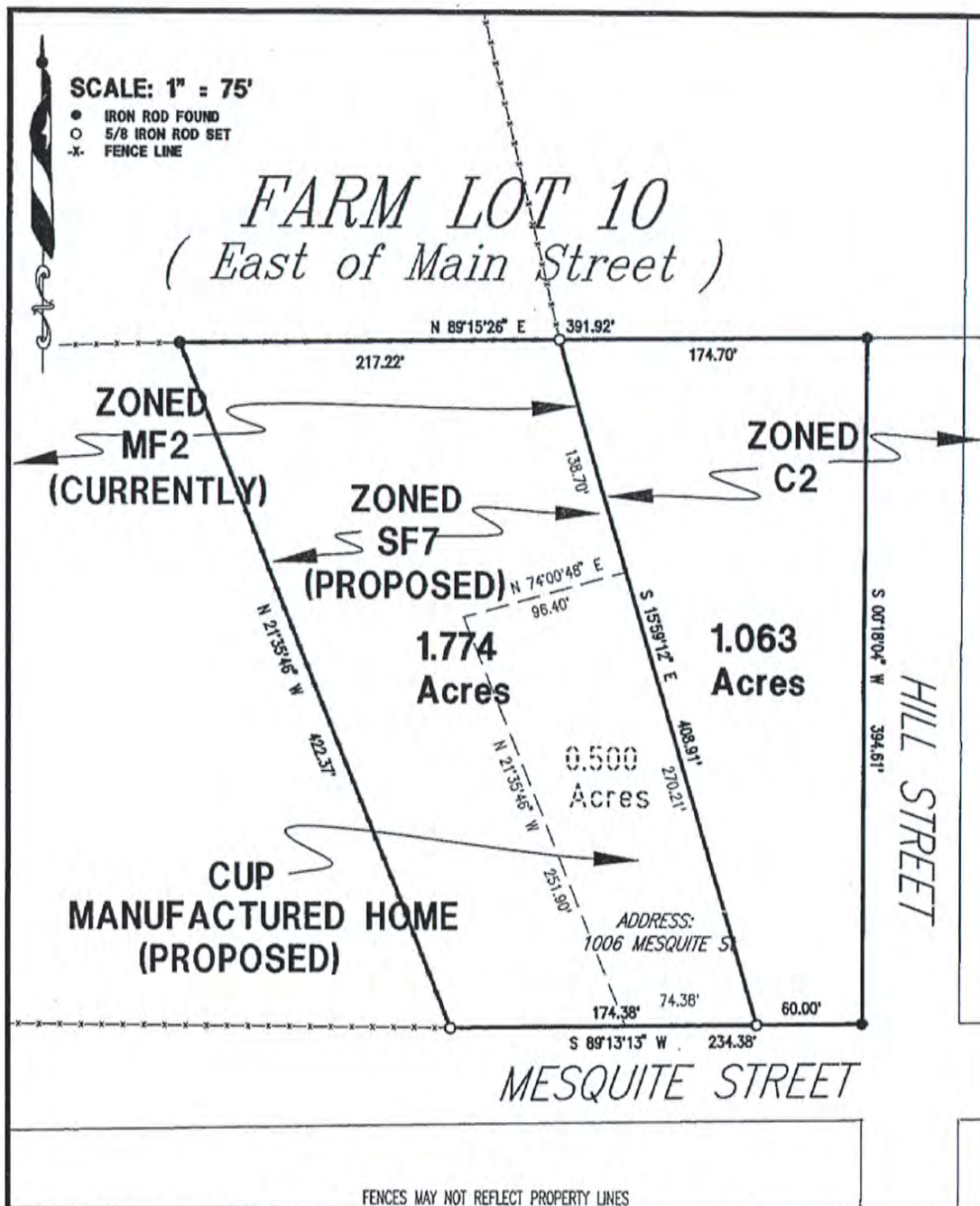
9. Advisory Board Recommendation: XX **Recommended Approval** ____ Denial ____ None

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted five (5) in favor to recommend approval of the rezoning of +/-1.774 acres out of a +/- 2.837 acre tract, out of Farm Lot 10, east of Main Street from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also known as 1006 Mesquite Street.

One (1) Planning and Zoning Commission member, Richard Kindred, abstained as he is a relative of the applicant.

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____



The undersigned does hereby certify to: the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property legally described hereon, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has frontage on a dedicated road way, except as shown hereon.

CERTIFIED COPY ONLY
IF YELLOW SEAL IS PRESENT

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS

SURVEY PLAT
of TWO - TRACTS out of
FARM LOT 10, (East of Main Street),
in The City of Bastrop,
Bastrop County, Texas.

DALE L. OLSON
REG. NO. 1753
DALE L. OLSON SURVEYING COMPANY
DATE: 10/15/15

MICHAEL D. OLSON
REG. NO. 5386

BRIAN & RUTHIE WASHINGTON

SCALE: 1" = 75.00'
DRAFTSMAN: K. Coehrs
DATE: 10/15/15
DISK-FILE 361-Ba
ORDER # 15-365-Ba
PLAT FILE # -0-

DALE L. OLSON

Registered Professional Land Surveyor
711 Water Street
Bastrop, Texas 78602
Phone (512)321-5476 Fax (512)303-5476
olsonsurvey@sbcglobal.net

FIELD NOTES FOR A 1.774 ACRE TRACT OUT OF FARM LOT 10, EAST OF MAIN STREET,
CITY OF BASTROP, BASTROP COUNTY, TEXAS.

BEING a 1.774 acre tract or parcel of land out of and being a part of Farm Lot 10, East of Main Street, in the City of Bastrop, as recorded in Plat Cabinet 1, Page 23A, Bastrop County Plat Records, and being a part of that certain 2.836 acre tract in Farm Lot 10, East of Main Street, as described in a deed from Anna Tipton Holt and spouse, Billy Ray Holt, to Brian S. Washington, Sr., recorded in Doc. No. 201508642, Bastrop County Official Public Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a 3/8 inch iron rod found at the intersection of the north line of Mesquite Street and west line of Hill Street, the southeast corner of Farm Lot 10, East of Main Street, and the Washington 2.836 acre tract.

THENCE with the north line of Mesquite Street and the South line of Farm Lot 10, East of Main Street, and the Washington 2.836 acre tract, S 89 deg. 13 min. 13 sec. W, 60.00 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING, for the southeast corner of this tract.

THENCE continuing with the north line of Mesquite Street and the south line of Farm Lot 10, East of Main Street, and the Washington 2.836 acre tract, S 89 deg. 13 min. 13 sec. W, 174.38 feet to a 3/8 inch iron rod found at the southwest corner of the Washington 2.836 acre tract, for the southwest corner of this tract.

THENCE with the west line of the Washington 2.836 acre tract N 21 deg. 35 min. 46 sec. W, 422.37 feet to a 5/8 inch iron rod set at the northwest corner of same, for the northwest corner of this tract.

THENCE with the north line of the Washington 2.836 acre tract, N 89 deg. 15 min. 26 sec. E, 217.22 feet to a 5/8 inch iron rod set for the northeast corner of this tract, from which a 1/2 inch iron rod found in the northeast line of Farm Lot 10, East of Main Street, and west line of Hill Street at the northeast corner of the Washington 2.836 acre tract bears N 89 deg. 15 min. 26 sec. E, 174.70 feet.

THENCE crossing the Washington 2.836 acre tract, S 15 deg. 59 min. 12 sec. E, 408.91 feet to the POINT OF BEGINNING, containing 1.774 acres of land.


Dale L. Olson
Reg. Pro. Land Surveyor 1753



OR

Michael D. Olson
Reg. Pro. Land Surveyor 5386

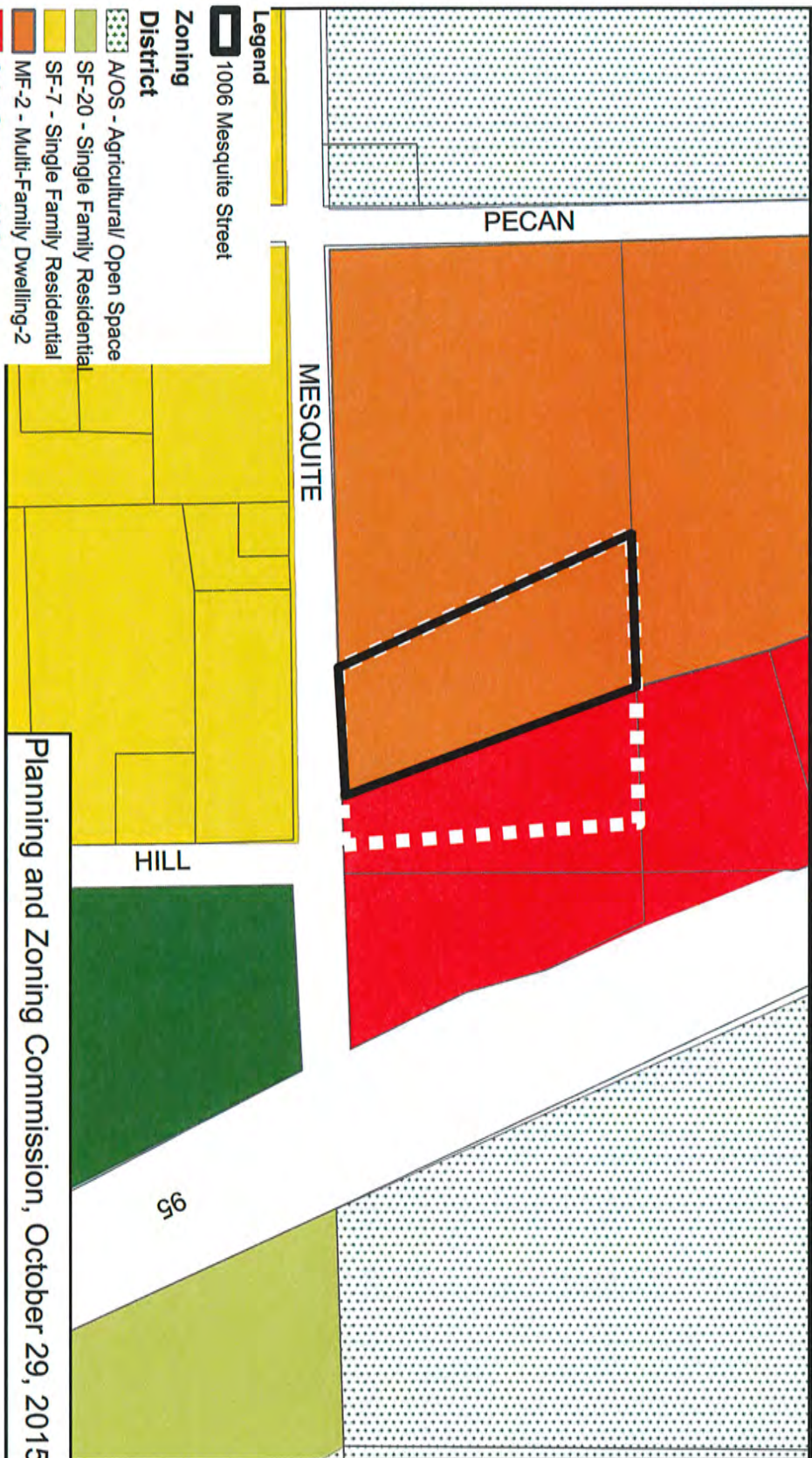
©2015 Dale L. Olson Surveying Co.

Order# 15-364-8s_R

Date Created: 10-15-15



Property Location Map for 1006 Mesquite Street



Planning and Zoning Commission, October 29, 2015

ORDINANCE NO. 2015-25

AN ORDINANCE GRANTING A ZONE CHANGE FOR +/- 1.774 ACRES OUT OF FARM LOT 10 EAST OF MAIN STREET FROM MF-2, MULTI-FAMILY-2 TO SF-7, SINGLE FAMILY RESIDENTIAL-7 LOCATED NORTH OF MESQUITE STREET ALSO KNOWN AS 1006 MESQUITE STREET WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Brian and Ruthie Washington (hereinafter referred to as the "Applicant"), filed a request for a zone change on September 9, 2015 to rezone +/-1.774 acres out of a +/- 2.837 acre tract of land within Farm Lot 10 East of Main Street, from MF-2, Multi Family-2 to SF-7, Single Family Residential-7 located north of Mesquite Street also known as 1006 Mesquite Street within the city limits of the City of Bastrop, Texas as shown on Exhibit "A"; and

WHEREAS, pursuant to Section 36.2 of the Use Charts within the Zoning Ordinance of the City of Bastrop, Texas; and

WHEREAS, pursuant to Section 33 of the City's Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held on October 29, 2015, by the Planning and Zoning Commission (hereinafter referred to as the "Commission") regarding the Applicant's request for the zone change from MF-2, Multi Family-2 to SF-7, Single Family Residential-7 for 1006 Mesquite Street; and

WHEREAS, following a public hearing on October 29, 2015 and consideration of the evidence and testimony presented therein, the Commission recommended approval of the Applicant's request for a zone change from MF-2, Multi-Family -2 to SF-7, Single Family Residenital-7 for 1006 Mesquite Street; and

WHEREAS, pursuant to Section 33 of the Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held November 10, 2015 by the City Council regarding the request for a zone change from MF-2, Multi-Family-2 to SF-7, Single Family Residential-7 for 1006 Mesquite Street by the Applicant; and

WHEREAS, after consideration of the information presented, City Council finds that it is in the public interest to approve the requested zone change from MF-2, Multi Family-2 to SF-7, Single Family Residenital-7 for 1006 Mesquite Street.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: The zone change requested by Brian and Ruthie Washington for +/-1.774 acres out of a +/-2.837 acre tract, out of Farm Lot 10, East of Main Street from MF-2, Multi Family-2 to SF-7, Single Family Residential-7, located north of Mesquite Street also

known as 1006 Mesquite Street within the city limits of the City of Bastrop, Texas, is hereby approved.

Part 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 10th day of November, 2015.

READ and APPROVED on the Second Reading on the _____ day of _____, 2015.

APPROVED:

ATTEST:

Kenneth Kesselus
Mayor

Ann Franklin
City Secretary

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **PUBLIC HEARING: Conduct a public hearing to receive citizens input on a request for a CUP, Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, being +/- 0.500 acres out of Farm Lot 10 East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision an area zoned SF-7, Single Family Residential-7 within the city limits of Bastrop, Texas.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes XX No

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
a)

8. Staff Recommendation: Staff recommends approval of the Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, Lot 2, of the proposed Washington #2 Subdivision with the following conditions:

1. Construction and permits submitted shall be in conformance with the City of Bastrop regulations and shall meet the zoning requirement of Section 17 and special requirements of Section 35.4, including concrete/asphalt parking/driveway.
2. All necessary permits for the proposed development shall be acquired prior to construction/movement of the manufactured home on the subject property.
3. A Building Permit shall be applied for and secured within one (1) year from the date the conditional use permit is granted (second reading of the ordinance).

9. Advisory Board Recommendation: XX **Recommended Approval** Denial None

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted five (5) in favor to recommend approval of a CUP, Conditional Use Permit, with staff's conditions, to allow a manufactured home at 1006 Mesquite Street, Lot 2 of the proposed Washington No. 2 Subdivision.

One (1) Planning and Zoning Commission member, Richard Kindred, abstained as he is a relative of the applicant.

City of Bastrop



Agenda Information Sheet:

City Council Meeting Date:

November 10, 2015

Public Notice Description:

Public hearing, discussion and possible action on a request for a CUP, Conditional Use Permit, to allow a manufactured home at 1006 Mesquite Street, being +/- 0.500 acres out of Farm Lot 10, East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision, an area zoned SF-7, Single Family Residential-7 within the city limits of Bastrop, Texas

Item Summary:

Owner/Applicant: Brian and Ruthie Washington
Location: Farm Lot 10, East of Main Street
Utilities: City water, sewer, and BP&L electric
Zoning: MF-2- but requesting SF-7, Single Family Residential Zoning

Request:

The Washington's are the property owners requesting a Conditional Use Permit to allow the placement of a manufactured home on proposed Lot 2 of a newly submitted Subdivision, Washington #2.

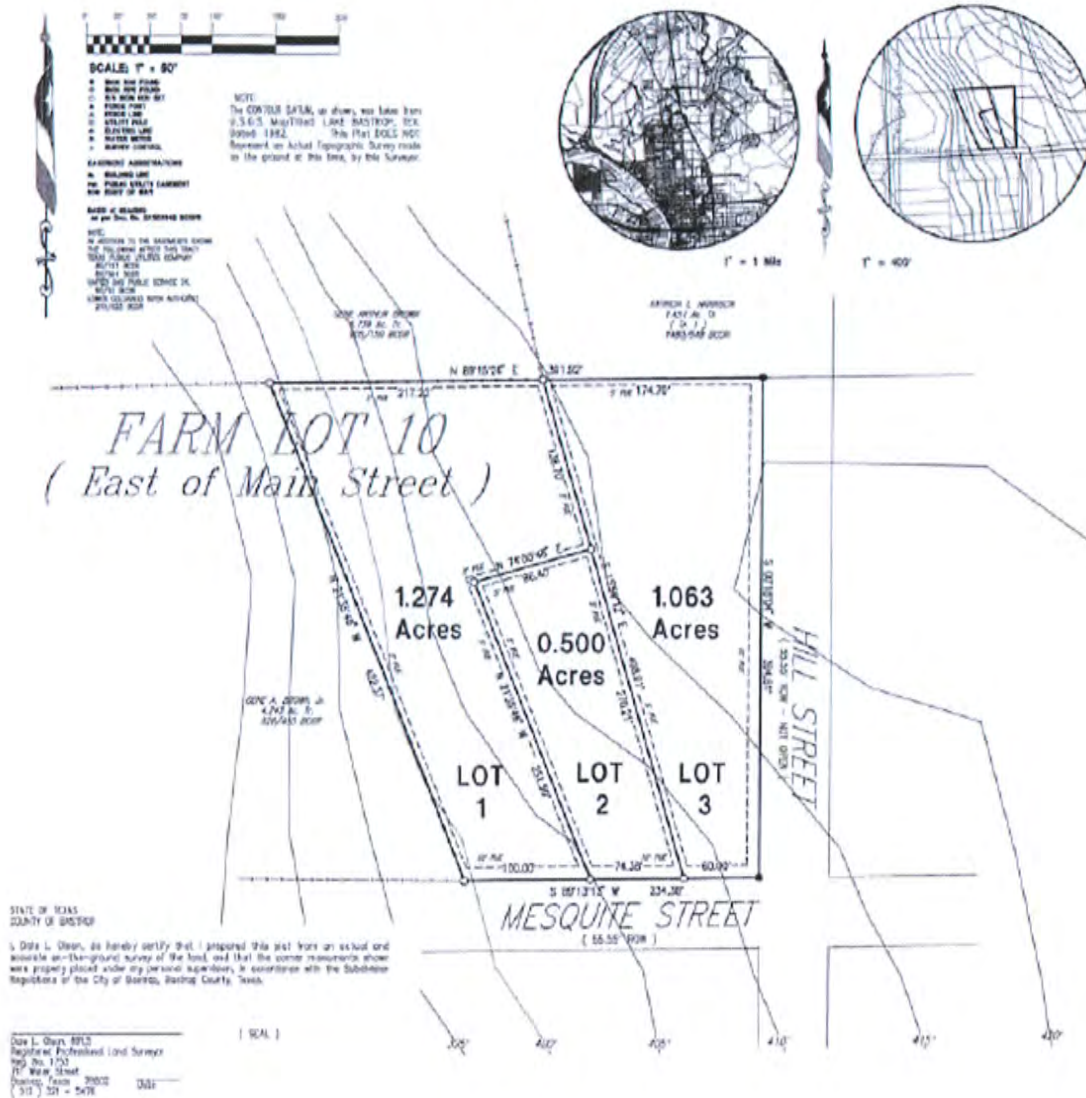
The subject property is a small lot of approximately 0.5 acres, being approximately 75 feet wide by 271 feet totaling 21,784 sq. ft The owner is applying for a Conditional Use Permit (CUP) to allow for the placement of a manufactured home on what will be a newly created lot in the Washington #2 Subdivision on a vacant parcel for their son to live.

Location and Aerial Map



The subject property will be part of a newly created lot, Lot 2, in the Washington #2 Subdivision but is currently vacant and it is located north of Mesquite Street.

WASHINGTON No. 2
- FINAL PLAT -



Manufactured Home, circa 2006, to be placed on Lot 2,



This proposed manufactured home must meet the base zoning requirements of Section 17 and Section 35 for setbacks, parking, and skirting requirements etc. The door from the manufactured home must face the street.

Per Section 35.4, Special and Supplemental Requirements, all manufactured homes approved through a Manufactured Home Overlay or Conditional Use Permit, must satisfy the following requirements:

- A. All dwelling units shall be HUD-code manufactured home units.
- B. Anchorage of Manufactured Homes: To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured home shall be provided, at the time of installation, according to the Building Code.
- C. Skirting:
 - 1. All manufactured home units not attached to a permanent foundation shall provide weather resistant skirting, at the time of installation, from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
 - 2. All required skirting shall be of a texture and color similar to the materials used in the construction of the manufactured home unit.
- D. Two (2) off-street parking spaces must be provided. One must be covered (carport/garage) and must meet the setback requirements. A building permit must be submitted for this carport or garage within two (2) months from the date the manufactured home was installed. The carport or garage must be built within six (6) months from the date the manufactured home was installed.
- E. The main roof shall be pitched, rather than flat.
- F. The manufactured home must be sited with its longest dimension parallel to the street.
- G. The exterior finish cannot have a high-gloss finish. The exterior walls shall look like wood or masonry, regardless of the actual composition.
- H. The hitch must be removed.
- I. The lot must be landscaped so that it is equivalent to the average amount of landscaping that exists on the adjoining lots. At a minimum, two (2) trees of the large variety and two (2) shrubs must be provided. Furthermore, the entire lot must be sodded with grass.

- J. The manufactured home must have a minimum floor area of one thousand (1000) square feet.
- K. A manufactured home that is not being placed within a Manufactured Home Park or subdivision must have a minimum width of at least twenty-eight feet (28').
- L. A manufactured home that is not being placed within a manufactured home park or subdivision shall have a gabled entry or other such break in the facade or roof line.

Staff Basis of Support:

Staff supports the Conditional Use Permit, because it will comply with the intent of the Zoning Ordinance and the mixture of manufacture homes located across the street.

Comments: 10 adjacent property owner notifications were mailed October 6, 2015. As of this date, one (1) response has been received from the property owner (Washington) in favor. See attachment.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street Lot 2, of the proposed Washington #2 Subdivision, being +/- 0.500 acres in an area zoned SF-7, Single Family Residential-7, with the following conditions:

1. Construction and permits submitted shall be in conformance with the City of Bastrop regulations and shall meet the zoning requirement of Section 17 and special requirements of Section 35.4, including concrete/asphalt parking/driveway.
2. All necessary permits for the proposed development shall be acquired prior to construction/movement of the manufactured home on the subject property.
3. A Building Permit shall be applied for and secured within one (1) year from the date the conditional use permit is granted (second reading of the ordinance).

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted five (5) in favor to recommend approval of a CUP, Conditional Use Permit, with staff conditions, to allow a manufactured home, with staff conditions, at 1006 Mesquite Street being +/-0.500 acres out of Farm Lot 10 East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision, an area zoned SF-7, Single Family Residential-7.

One (1) Planning and Zoning Commission member, Richard Kindred, abstained as he is a relative of the applicant.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments:

Letter from applicant and notification response from applicant

City of Bastrop
Planning and Zoning Committee,
1311 Chestnut St.
Bastrop, TX 78602
512-332-8840

Re: Rezoning and Conditional Use Permit Applications for 1006 Mesquite St.
Bastrop, Texas 78602

Dear Sir or Ma'am,

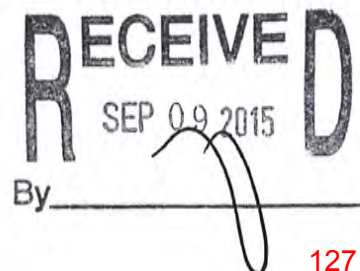
We are hereby applying to rezone our property located at 1006 Mesquite street in Bastrop, TX 78602 from the current zoning of multi-family to single family 7 with a request for a conditional use permit to allow a manufactured home on the property. There are several other manufactured homes located within close proximity to the property. For instance, 2307 Pecan has two manufactured homes on two separate lots. Also, on 104/106 Mercedes Cover there is several manufactured homes.

Several of the properties in close proximity to our property are either zoned single family residential or commercial. Please consider our request.

Thanks,



Brian and Ruthie Washington
2408 Hill St.
Bastrop, TX 78602



PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check ☒ one)

- ☒ I am in favor of the request.
☐ I have no objection
☐ I am opposed to the request.

Property Owner Name: Ruth Wilson Washington

Property Address: 1006 Mesquite St.

Phone (optional) (512) 303-2026

Bastrop, TX 78602

Mailing Address: Same

Email (optional):

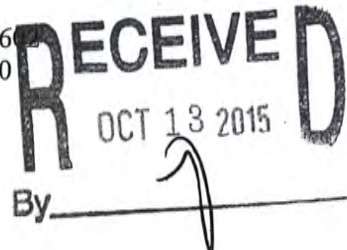
Property Owner's Signature: Ruth Wilson Washington

Comments:

Please provide reply to:

The Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
or via fax (512) 332-8849 Phone: (512) 332-8840

Re: Conditional Use Permit for 1006 Mesquite 10/6/2015



1. Date: 06/13/2013
 2. Surveyor: L. Olson, L. Olson, Inc.
 3. Project: Mesquite Street
 4. Sheet: 1 of 1
 5. Scale: 1" = 400'

- [illegible]

STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

I, David Bruce S. Washington, Sr., owner of 2.038 acres of land of Farm Lot 12 (2001), in the City of Bastrop, as recorded in Public Grant No. 1, Page 133A, Bastrop County Public Records, recorded in Document No. 201705046, do hereby certify that the following (offices, on hereby signed and filed in accordance with the joint show orders hereto, subject to any amendments or modifications whatsoever that may be made by the Board of Commissioners of Washington No. 2, do hereby dedicate to the public use of the Comaunity to street herein:

Witness my hand into the ____ day of _____, 201____, A.D.

Bruce S. Washington, Sr.
2408 Hill Street
Bastrop TX 78002
8172543-1299

STATE OF TEXAS
COUNTY OF BASTROP

Know me, the undersigned authority on this day personally appeared Bruce S. Washington, Sr. known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 201____, A.D.

Notary Public in and for the State of Texas

Printed Name of Notary / Signer

STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

That Frederic Barnes of Texas, the law holder of Red certain tract and show herein, and is a land of Trust recorded in Document No. 201700484, does hereby join, approve and consent to the partition and joint estate maintenance of show herein. I do hereby approve the recording of this subdivision plat and dedicate to the public use herein any amendments that may arise hereon. This subdivision is to be shown as WASHINGTON No. 2.

Witness my hand into the ____ day of _____, 201____, A.D.

Title
Frederic Barnes of Texas
P.O. Box 551
Eagle Gap TX 76612

STATE OF TEXAS
COUNTY OF BASTROP

Know me, the undersigned authority on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the ____ day of _____, 201____, A.D.

Notary Public in and for the State of Texas

Printed Name of Notary / Signer

Approved on this ____ day of _____, 201____, A.D., by the City Council of the City of Bastrop.

ON THIS ____ DAY OF _____, 201____, A.D.

APPROVED: _____ ATTEST: _____

Ken Krenshaw, Mayor City Bastrop, City of Bastrop, Texas

STATE OF TEXAS
COUNTY OF BASTROP

I, Rose Patchen, County Clerk of Bastrop County, Texas, do hereby certify that the foregoing instrument of writing with the certificate of acknowledgment was filed for record in my office on the ____ day of _____, 201____, A.D., at _____ o'clock ____ M., in the Public Records of Bastrop County, Texas, in Public Grant _____.

FILED FOR RECORD on the ____ day of _____, 201____, A.D.

Rose Patchen, County Clerk, Bastrop County, Texas

Embody

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: **FIRST READING of an Ordinance granting a CUP, Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, being +/-0.500 acres out of Farm Lot 10 East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision an area zoned SF-7, Single Family Residential-7 within the city limits of Bastrop, Texas.; setting out conditions; and providing an effective date.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes ____ No ____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation: **Staff recommends approval of the Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, Lot 2, of the proposed Washington #2 Subdivision, with the following conditions:**

1. **Construction and permits submitted shall be in conformance with the City of Bastrop regulations and shall meet the zoning requirement of Section 17 and special requirements of Section 35.4, including concrete/asphalt parking/driveway.**
2. **All necessary permits for the proposed development shall be acquired prior to construction/movement of the manufactured home on the subject property.**
3. **A Building Permit shall be applied for and secured within one (1) year from the date the conditional use permit is granted (second reading of the ordinance).**

9. Advisory Board: **XX Recommended Approval** _____ Recommended Denial _____ None

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted five (5) in favor to recommend approval of a CUP, Conditional Use Permit, with staff's conditions, to allow a manufactured home at 1006 Mesquite Street Lot 2 of the proposed Washington No. 2 Subdivision.

One (1) Planning and Zoning Commission member, Richard Kindred, abstained as he is a relative of the applicant.

ORDINANCE NO. 2015-26

AN ORDINANCE GRANTING A CONDITONAL USE PERMIT TO ALLOW A MANUFACTURED HOME AT 1006 MESQUITE BEING A +/- 0.500 ACRES OUT OF FARM LOT 10 EAST OF MAIN STREET, LOT 2 OF THE PROPOSED WASHINGTON NO. 2 SUBDIVISION, AN AREA ZONED SF7, SINGLE FAMILY RESIDENTIAL-7 WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Brian and Ruthie Washington (hereinafter referred to as the "Applicant"), filed a request for a Conditional Use Permit on September 9, 2015 to allow a Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street being +/- 0.500 acres out of Farm Lot 10 East of Main Street. Lot 2 of the proposed Washington No. 2 Subdivision, an area zoned, SF7, Single Family Residential-7 within the city limits of the City of Bastrop, Texas as shown on Exhibit "A"; and

WHEREAS, pursuant to Section 36.2 of the Use Charts within the Zoning Ordinance of the City of Bastrop, Texas; and

WHEREAS, pursuant to Section 33 of the City's Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held on October 30, 2015, by the Planning and Zoning Commission (hereinafter referred to as the "Commission") regarding the Applicant's request for a Conditional Use Permit; and

WHEREAS, following a public hearing on October 30, 2015 and consideration of the evidence and testimony presented therein, the Commission recommended approval of the Applicant's request for a Conditional Use Permit, subject to certain conditions set forth herein; and

WHEREAS, pursuant to Section 33 of the Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held November 10, 2015 by the City Council regarding the request for a Conditional Use Permit by the Applicant; and

WHEREAS, after consideration of the information presented, City Council finds that it is in the public interest to approve the requested Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, subject to conditions noted herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: The Conditional Use Permit requested by Brian and Ruthie Washington to allow a manufactured home at 1006 Mesquite Street being +/- 0.500 acres out of Farm Lot 10 East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision, an area

zoned SF7, Single Family Residential-7 within the city limits of the City of Bastrop, Texas, is hereby approved, subject to compliance with the following conditions:

1. Construction and permits submitted shall be in conformance with the City of Bastrop regulations and shall meet the zoning requirements of Section 17 and special requirements of Section 35.4, including concrete/asphalt parking/driveway.
2. All necessary permits for the proposed development shall be acquired prior to construction/movement of the manufactured home on the subject property.
3. A Building Permit shall be applied for and secured within one (1) year from the date the conditional use permit is granted (second reading of the ordinance).

Part 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 10th day of November, 2015.

READ and APPROVED on the Second Reading on the _____ day of _____, 2015.

APPROVED:

ATTEST:

Kenneth Kesselus
Mayor

Ann Franklin
City Secretary

EXHIBIT A

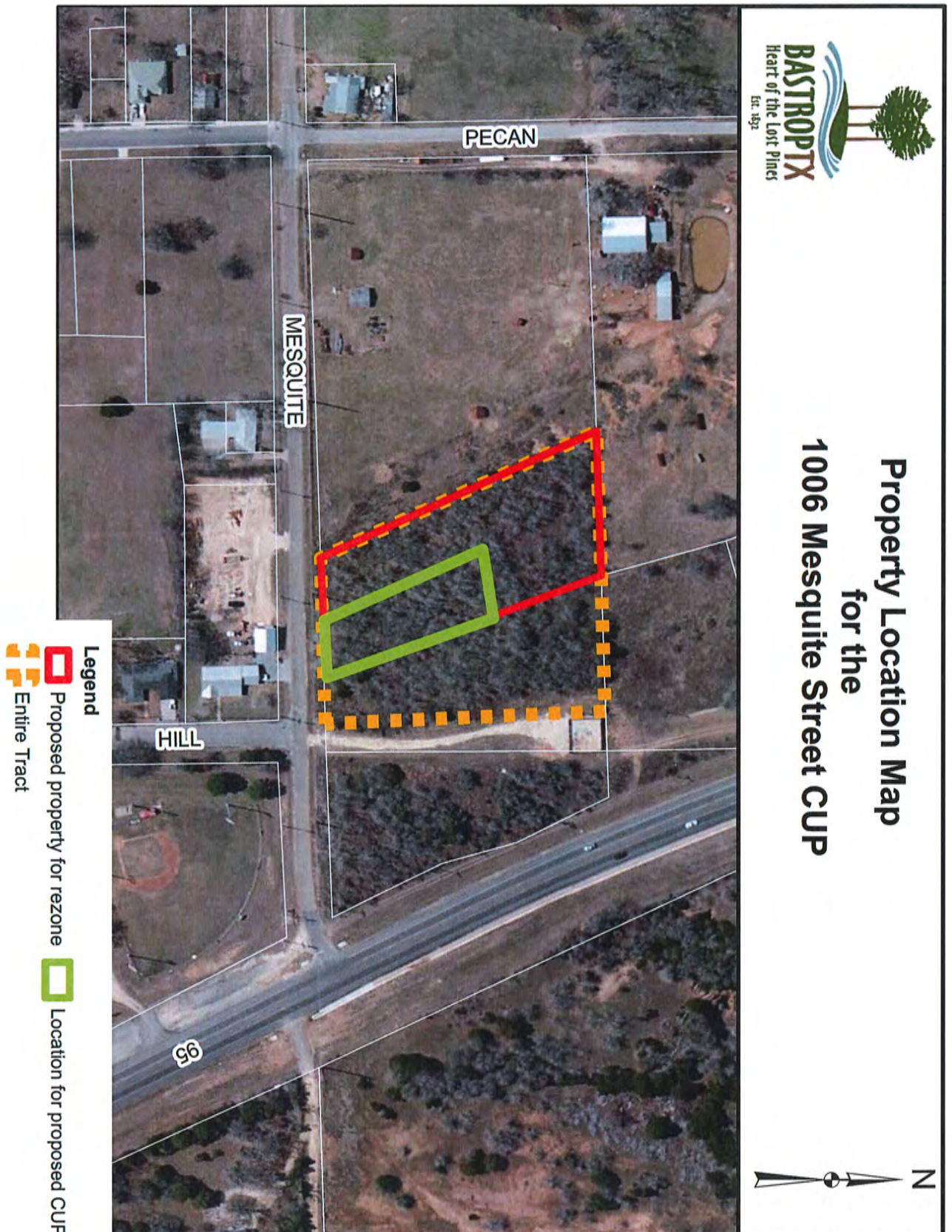


EXHIBIT A

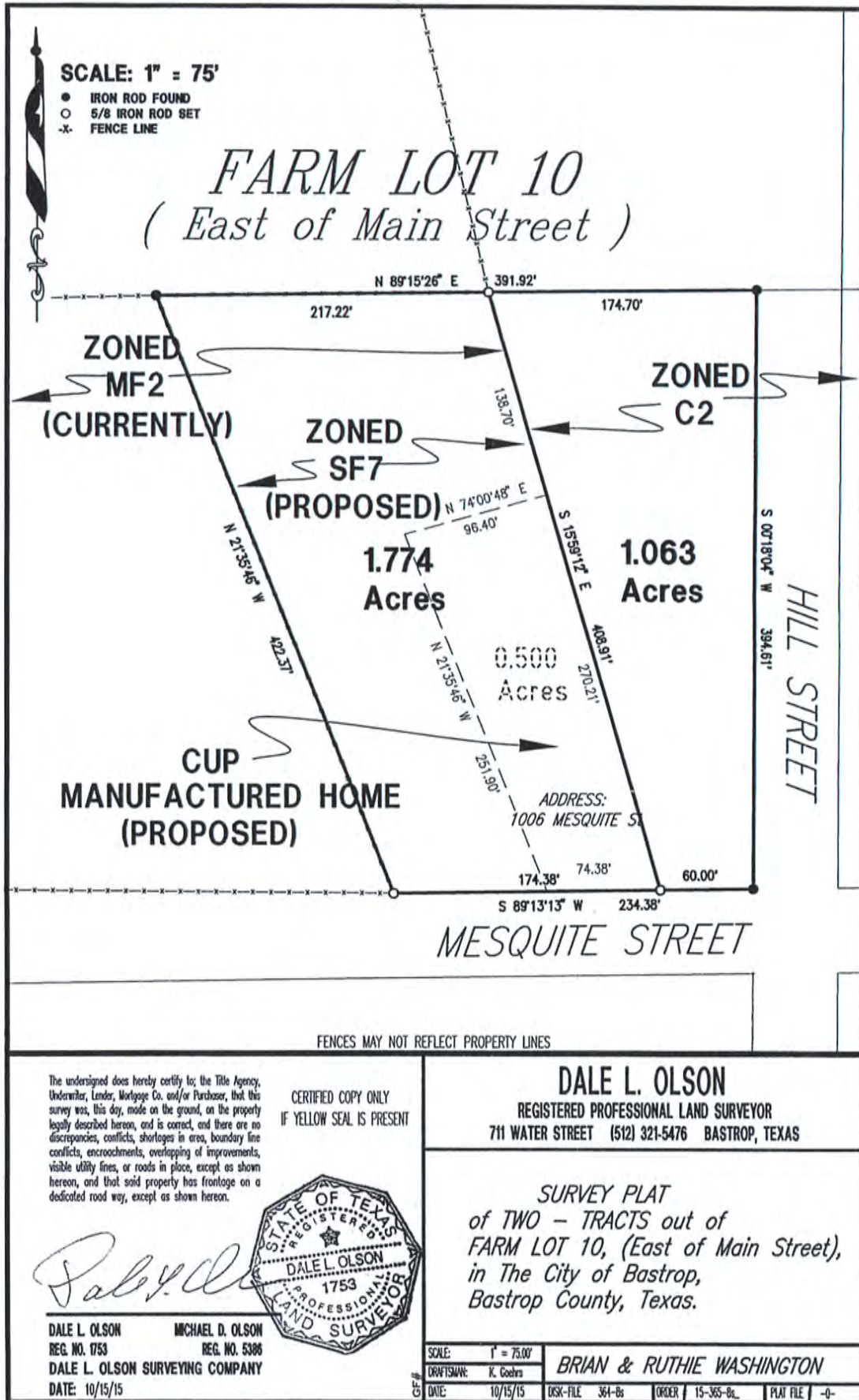


EXHIBIT A

DALE L. OLSON

Registered Professional Land Surveyor
711 Water Street
Bastrop, Texas 78602
Phone (512)321-5476 Fax (512)303-5476
olsonsurvey@sbcglobal.net

FIELD NOTES FOR A 0.500 ACRE TRACT OUT OF FARM LOT 10, EAST OF MAIN STREET,
CITY OF BASTROP, BASTROP COUNTY, TEXAS.

BEING a 0.500 acre tract or parcel of land out of and being a part of Farm Lot 10, East of Main Street, in the City of Bastrop, as recorded in Plat Cabinet 1, Page 23A, Bastrop County Plat Records, and being a part of that certain 2.836 acre tract in Farm Lot 10, East of Main Street, as described in a deed from Anna Tipton Holt and spouse, Billy Ray Holt, to Brian S. Washington, Sr., recorded in Doc. No. 201508642, Bastrop County Official Public Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a 3/8 inch iron rod found at the intersection of the north line of Mesquite Street and west line of Hill Street, the southeast corner of Farm Lot 10, East of Main Street, and the Washington 2.836 acre tract.

THENCE with the north line of Mesquite Street and the south line of Farm Lot 10, East of Main Street, and Washington 2.836 acre tract, S 89 deg. 13 min. 13 sec. W, 60.00 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING, for the southeast corner of this tract.

THENCE continuing with the north line of Mesquite Street and the south line of Farm Lot 10, East of Main Street, and the Washington 2.836 acre tract, S 89 deg. 13 min. 13 sec. W, 74.38 feet to a 5/8 inch iron rod set for the southwest corner of this tract, from which a 3/8 inch iron rod found at the southwest corner of the Washington 2.836 acre tract bears S 89 deg. 13 min. 13 sec. W, 100.00 feet.

THENCE N 21 deg. 35 min. 46 sec. W, 251.90 feet to a 5/8 inch iron rod set for the northwest corner of this tract.

THENCE N 74 deg. 00 min. 48 sec. E, 96.40 feet to a 5/8 inch iron rod for the northeast corner of this tract.

THENCE S 15 deg. 59 min. 12 sec. E, 270.21 feet to the POINT OF BEGINNING, containing 0.500 acres of land.


Dale L. Olson
Reg. Pro. Land Surveyor 1753



Michael D. Olson
Reg. Pro. Land Surveyor 5386

©2015 Dale L. Olson Surveying Co.

Order# 15-364-8s_B

Date Created: 10-15-15

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015

MEETING DATE: November 10, 2015

1. Agenda Item: CONDUCT A PUBLIC HEARING: "Request by CSW Development to overturn a prior decision of the Bastrop Municipal Sign Review Board, made on April 1, 2015, denying a request by CSW for Variances to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes x No

At a previous Council meeting the Council granted CSW a variance for the timeframe in which CSW could appeal to the City Council the Bastrop Sign Board denial of variance to the City of Bastrop Code of Ordinance regarding "Signage" along S.H. 71 due to miscommunication between the City and the applicant requesting the variance. Attached is CSW "Application of Appeal to the City Council. The "Application of Appeal" states the reasons why the Council should grant the appeal. Also included for Council's review is complete packet that was submit to the "Sign Board" and copy of the minutes in which the Sign Board denied the request. The ordinance requires the Council hold a "Public Hearing" on an "Application of Appeal". I would suggest that after the Mayor opens the "Public Hearing": 1.) I introduce the item to the City Council, 2.) After I complete the introduction of the item that the Mayor call upon the applicant to come-up to address the Council as to what is the basis of his requesting a "Variance". After the applicant has concluded his presentation before the Council, the Council may ask any questions you wish of the applicant. 3.) Upon completion of the applicant's presentation ask if anyone in the public has signed up to address the Council on this matter. 4.) At the "Conclusion" of the "Public Comments" the Council the Council may if you wish ask the applicant to respond to any of the "Public Comments". 5.) If the Council has any additional questions direct them to the City Manager. 6.) Close the "Public Hearing".

4. Policy Implication: None.

5. Budgeted: Yes No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
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a) _____

b) _____

c)

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

Bastrop City Council Members
Application for Appeal
10/19/2015

We appreciate the opportunity to discuss our request to construct a visible functional project sign at the corner of Childers Drive and Highway 71. We are excited about the redevelopment of the 4 acre corner and believe that with the right amenities and building design we will be able to attract a proven group of service providers/retailers to the project. The benefits of the project, "Bastrop Station", will include new services to the community, increased visitors, additional jobs and an increased tax base. To date, we have razed the former improvements, installed all new utilities, removed overhead power lines and partially constructed the first retail building. Our firm has developed 38 similar projects in central Texas and has built proven relationships with national, regional and local retail service providers. Feedback on Bastrop Station from many of the national and regional users has been positive, however, all have been concerned about visibility from Highway 71. In fact, we have had two national casual restaurant concepts that have ruled out the project because of lack of visible signage on Highway 71. With an in depth study of the site and input from CND Signs, area signage consultant/installer, it has been determined that due to the elevation of Highway 71, a single project pylon sign 50' tall is required to adequately "sign" the project.

The overpasses were constructed in 2005 and the signage ordinance was created in 2006. It was difficult previously to gauge the lasting effects of the sign height limit dictated by the new ordinance; now, direct feedback from regional and national experienced retailers show it is evident that in this specific location, a 35' sign is not sufficient to properly market/advertise their location.

The previous building on the subject property was a 3,500 SF one-tenant business and with a sign at the height of approximately 25'; the lack of visible signage was likely a contributing factor to the failure of the former business. There are several signs within close proximity to our property with sign heights of at least 50' which improves their visibility over the highway overpass, including Shell, McDonalds, Schlotzsky's, GameStop, Whataburger & Exxon. Many of these 50'+ signs serve small businesses that are approximately 2,000-5,000 SF in size. However, the multi-tenant sign we are proposing will serve as signage for up to 10 tenants on over 4 acres with almost 45,000 SF of retail space.

We have outlined and responded to the required criteria for granting a sign variance request based on an undue hardship below. Due to the factors noted in detail to follow, we believe a variance allowing a 50' project pylon sign is warranted.

A. Would deprive the owner or applicant of the ability to advertise the business or a product:

The height of the sign under the code ordinance would be 35' with the tenants' panels starting at 15' above grade. The highway overpass where the sign would be located is 25' to the top of the guardrail of the road. This would position four of the six tenant panels below the vision line of east bound Highway 71 traffic.

This would significantly impact the visibility of the sign in its entirety, resulting in retail and restaurant tenants opting out of signing leases in the project. Several restaurant and retail tenants have made it clear, that without being visible to Highway 71, they will not execute a lease in the project. The solution to this would be to allow the sign to be 50' in overall height so all of the tenant signs can be seen as shown in our traffic photo overlay ("Exhibit A"). It is essential for the traffic traveling on Highway 71 in both directions to see the signage for the tenants at Bastrop Station which will make travelers aware of the presence of the shopping center and encourage them to stop and shop, eat at the retailers located in the center. Retailers will not enter into leases and operate in projects where they are not visible.

The proposed Bastrop Station sign was designed by our experienced sign consultant, CND Signs (see Exhibit B). Per the sign ordinance, the project is allowed to have two (2) 35' signs. We are requesting one unified 50' sign on Highway 71 vs two signs which will reduce visual clutter as shown in "Exhibit C". In addition, the total signage area with two (2) 35' signs is 320 sf as allowed by code (160 sf each). With one 50' sign, we are only requesting 227 sf of signage area which is 29% less than the total permitted signage area of 320 sf for two (2) signs. Given the number of tenants in the 45,000 square foot project, CND believes a signage area of 227 sf is required to effectively and safely market the tenants in the project.

B. Granting of a variance shall be based on a finding that the applicant's difficulties and or hardships are due to unusual conditions or circumstances, such as irregularly shaped parcel of land;

It is true that a 35' foot pylon sign will be highly visible to people on the east bound access road and Childers Drive, however, a 35' sign is not visible to the vehicular traffic on Highway 71. There are approximately 46,000 cars per day on Highway 71 which is a significantly higher number than that are traveling on the access road.

The highway overpass where the sign would be located is 25' to the top of the guardrail of the road. This would position four of the six tenant panels below the vision line of east bound Highway 71 traffic with a 35' sign.

C. Granting of a variance will not adversely affect surrounding property owners and use.

The neighboring property owner to the north has issued a letter supporting our variance request, (see Exhibit D). Furthermore, our experience tells us that creating a vibrant retail center will attract successful high quality retail tenants and bring customers to the area who may ultimately utilize the services offered by neighboring retailers. In addition, by offering quality neighborhood retail services to the area, residential developments such as Pecan Park will be more attractive to future residents.

D. Granting a variance shall not be detrimental to public health, safety or welfare

A 50' sign with 227 SF of signage area will actually improve the safety as customers looking for specific retailers will be able to locate the retailers they are looking for quicker thus allowing more time to focus on the road. A study done by 3M Company on copy height vs distance vs speed shows that the median distance that you would be looking at the tenant monument sign would be from about 1,000 ft driving towards the sign. With the signage area of the required 160 SF by code, the letter sizes will be approximately 22" maximum height. At a speed of only 60 mph, which is less than the current speed limit of 65 mph on Highway 71, your viewing time to read a 22" letter is approximately 12 seconds. This creates a less than ideal driving situation when drivers are looking for retailers off of the highway. In order to accommodate a larger copy size to improve the safety of travelers on Highway 71, we are requesting an additional signage area of 227 SF. The increased signage area of 227 SF would allow for letter sizes of approximately 29" in height. At a speed of 60 mph, your viewing time to read a 29" letter would be over 16 seconds, a 4 second difference. A minimum of 15 seconds viewing time is recommended to determine the proper letter height. The height of copy on sign panels make a significant difference in regards to easily and safely reading tenant names while traveling on an overhead highway like 71. We've added the copy of the study for your review (see Exhibit E).

In addition, by attracting a high quality group of credit worthy retailers, the center will likely maintain consistent occupancy and minimal vacancy.

If approved, the sign will be designed, engineered and constructed by a qualified experienced contractor. The sign construction and location will comply with all codes and standards.

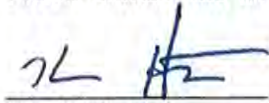
E. Financial hardship alone shall not be grounds for a variance

Financial consideration is not identified as a reason for this request. However, it is important to note that due to lack of visible signage on Highway 71, two national food service providers have chosen to not move forward with leasing space at Bastrop Station.

As you can see by the details above, we have met the requirements for an undue hardship under the City Code, Section 3.20.022.

We appreciate the opportunity to discuss the request in person.

Please contact me with any questions.



Kevin Hunter
512.751.3944

Exhibit A

35' Sign from Highway 71 Eastbound



50' Sign from Highway 71 Eastbound



Exhibit B

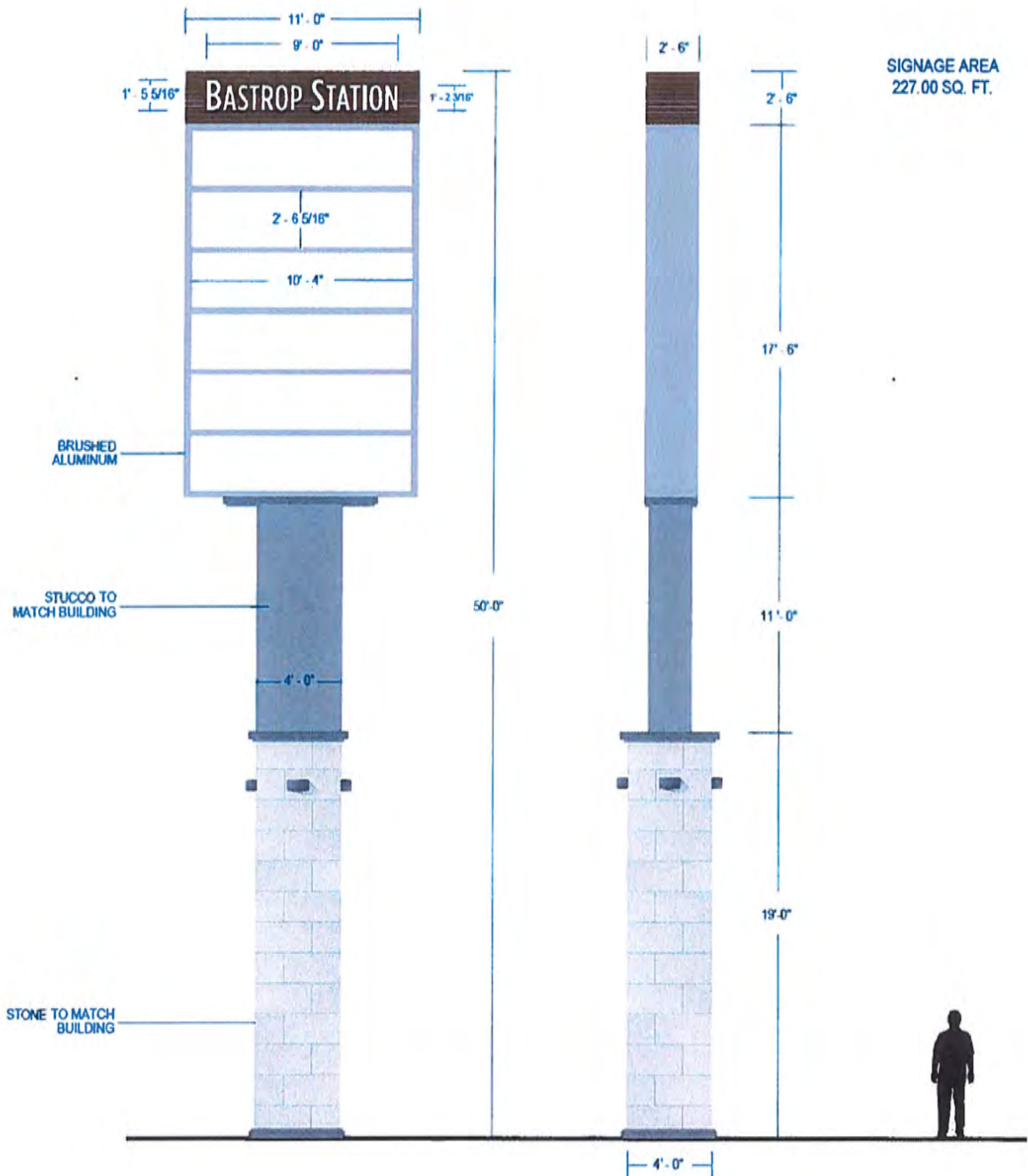


Exhibit C

Allowed Per Sign Ordinance: (2) Signs, 320 sf total signage area



Requested Signage : (1) Sign, 227 sf total signage area – this will decrease visual clutter and provide for a cleaner and more professional looking center



Exhibit D

Tuesday, March 31, 2015

To whom it may Concern at Bastrop Municipal Sign Review Board:

Last week I mailed in a "Property Owners Response" to a variance request for Bastrop Station in opposition to the request. After further review of the Bastrop Station variance request, I would like to change my position. I am IN FAVOR of their request for a variance to allow for a 50 foot sign on the Bastrop Station property as requested. Furthermore, it is clear to me that the Bastrop Station property has a real hardship due to the elevation of the freeway in front of their site which obstructs the visibility of their property (and would block the visibility of a 35 foot sign). Please feel free to reach me with any questions.

Thank you,

Steve Durso

Steve Durso Properties

sdursoproperties@gmail.com

Exhibit E

How to Determine the Correct Sign Size

INSTRUCTIONS: Determine the posted speed on the street where the signage is to be located or viewed. Determine maximum size permitted by local ordinance. Read viewing time off chart. This will give you some idea of how effective your sign will be.

DIRECTIONS: Use This Chart To Help Determine The Best Sign Size For You.

Character Height In Inches	Reading Distance In Feet	Speed In Street Or Highway Where Signage Is Located				
		(Viewing Time In Seconds)				
		20 MPH	30 MPH	40 MPH	50 MPH	60 MPH
18"	900 ft	30.68	20.45	15.34	12.27	10.23
20"	1000 ft	34.09	22.73	17.05	13.64	11.36
22"	1100 ft	37.50	25.00	18.75	15.00	12.50
24"	1200 ft	40.91	27.27	20.45	16.36	13.64
28"	1400 ft	47.73	31.82	23.86	19.09	15.91
30"	1500 ft	51.14	34.09	25.57	20.45	17.05
36"	1800 ft	61.36	40.91	30.68	24.55	20.45
42"	2100 ft	71.59	47.73	35.79	28.64	23.86

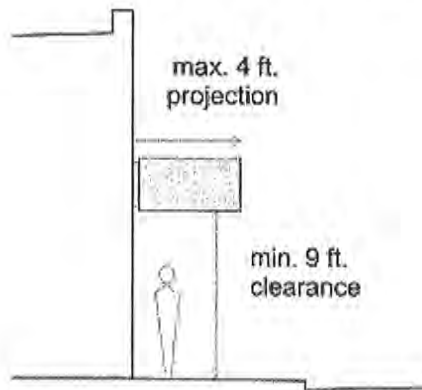
This Chart Is Designed To Identify Proper Letter Height To Obtain A Minimum Of 15 Seconds Viewing Time.

NOTATIONS:

The general rule of 50 feet of distance for each inch of character height was developed for 3M Company by Dr. Lauer in a series of studies. If the sign is directly in view, the distance applies. If there is considerable set back from the road the distance would be the hypotenuse. The feet traveled per second is indicated in the second column above. The data in the third through the seventh column is viewing exposure in seconds for moving vehicles.



- (C) A projecting sign shall not project more than four (4) feet from a building wall.



(illustration 3.20.015(12)(C))

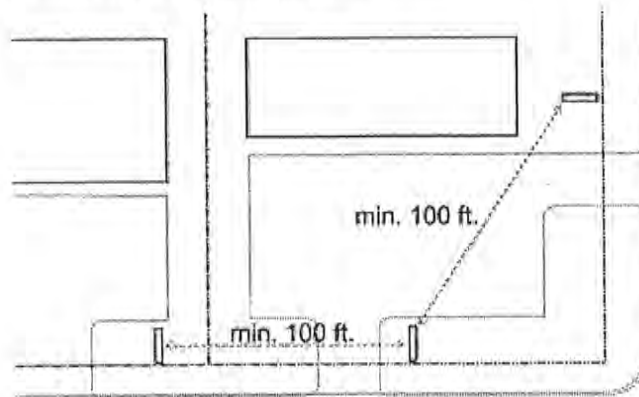
- (D) Within the central business sign category:
- (i) Should be placed near the main entrance, just above the door or to the side of it.
 - (ii) The maximum size area per business shall be no more than eight (8) square feet.

(Ordinance 2006-21, sec. 14, adopted 7/11/06)

(13) Pylon signs on Hwy 71.

- (A) A maximum of one (1) pylon sign, shall be permitted along Hwy. 71, per lot, and only if the building(s) on the lot meet the minimum size requirements as described in section 3.20.016(4)(D). (Ordinance 2011-12 adopted 4/26/11)
- (B) The maximum area of a pylon sign is one hundred sixty (160) square feet.; maximum allowable height is 35 feet. (Ordinance 2006-21, sec. 14, adopted 7/11/06)
- (C) Multiple tenants may be listed on a pylon sign so long as the maximum sign area of 160 square feet is not exceeded. (Ordinance 2011-12 adopted 4/26/11)

- (D) Signage shall be spaced a minimum of 100 feet apart from any other type of sign excluding government signs.



(illustration 3.20.015(13)(D))

(14) Subdivision entry signs.

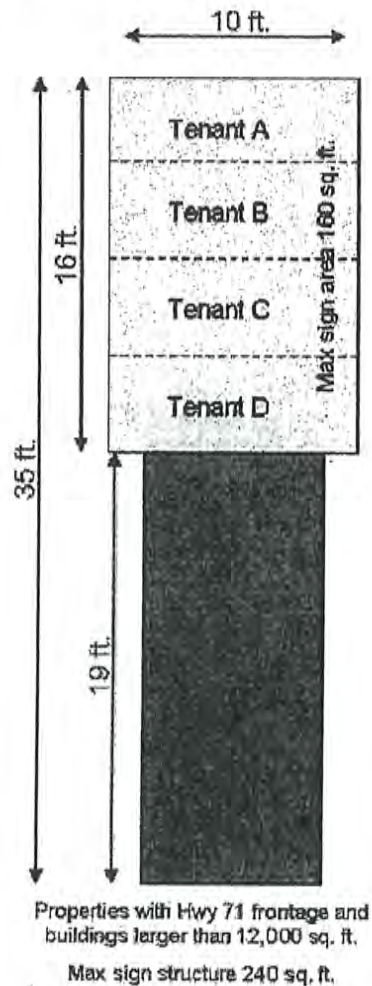
- (A) Subdivision entry signs are allowed at one (1) primary entrance unless the subdivision has more than one primary entrance, in such case, an entry sign may be placed at each of the major entrances.
- (B) One (1) single face entry sign is allowed per corner at the entrance or one (1) double faced sign in a landscaped median. Median location shall require city council approval of a license agreement between the city and the homeowner/property owner association.
- (C) The maximum sign area shall be forty-eight (48) square feet.
- (D) The maximum height shall be eight (8) feet.
- (E) Subdivision entry signs must be constructed of stone, brick or other masonry materials compatible with the developed subdivision.
- (F) Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign.
- (G) Subdivision entry signs must have a landscaped area equal to twice the area of the sign face, providing one (1) five-gallon shrub for every ten (10) square foot of landscaped area. Irrigation shall be provided.
- (H) The developer shall represent in writing its plan for perpetual maintenance of such signs by the homeowner's association or similar entity in its application for a permit before a permit will be issued for such signs.

(15) Suspended signs.

- (A) Such signs are permitted at a location on or immediately adjacent to the business the sign identifies in the CBD as a secondary sign.

- (D) Business. For lots that have frontage on Highway 71 and where the cumulative size of one or more buildings on the lot is greater than 12,000 square feet. See section 3.20.015(13) for additional pylon sign criteria.

- (i) Area:
 - a. Sign area: 160 square feet.
 - b. Sign structure area: 240 square feet.
- (ii) Height: 35 feet.
- (iii) Quantity: 1 per lot.
- (iv) Spacing: 100 feet.



(illustration 3.20.016(4)(D))

(Ordinance 2011-12 adopted 4/26/11)

- (E) Central business. N/A. (Ordinance 2006-21, table 14.01, adopted 7/11/06)

✓

NOTICE OF PUBLIC HEARING BY THE BASTROP CITY COUNCIL

Council Chambers 1311 Chestnut Street, Bastrop, Texas
November 10, 2015 - 6:30 pm

The Bastrop City Council will conduct a public hearing on Tuesday, November 10, 2015 at 6:30 p.m. in the City Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas on the following matter: "Request by CSW Development to overturn a prior decision of the Bastrop Municipal Sign Review Board, made on April 1, 2015, denying a request by CSW for Variances to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase).

CSW requests that the City Council grant the following variances:

- Variances to Sign Ordinance Section 3.20.016, (4) Pylon signs on Highway 71, which states in subparagraph (D) that the maximum area of a pylon sign is 160 square feet and maximum allowable height is 35 feet.
- CSW requests that the Council allow the following:
 - (1) a total sign area of 227 square feet , and
 - (2) a sign height of 50 feet.

The subject property consists of +/-4.145 acres within the Nancy Blakey Survey A-98 located on the corner of Highway 71 and Childers Drive in an area zoned C2, Commercial in the city limits of Bastrop, Texas.

All interested persons are invited to attend and provide comments to the Council at the public hearing. Written comments may be sent to the attention of the City Manager's Office, P.O. Box 427, Bastrop, Texas 78602, and must be received by the City Manager's Office by no later than 5:00 p.m. on November 10, 2015, to be considered by the City Council in making its decision on the request of CSW.

PLEASE RUN ONE TIME
SATURDAY, NOVEMBER 7, 2015

Steve Durso Properties, LLC
PO Box 161221
Austin TX 78716

Rea, James C. & Bonita
K11459 Hackett Rd
Roswell, GA 30075

Frank Price Walmart Tax
Manager
Property Tax Department
PO Box 8050 Attn: 0555
Bentonville AR 72712-8050

Jayavenkat LTD
137 Colony Ct
Bastrop TX 78602

202 Childers Lane LLC
1801 Bayberry Ct, Ste. #203
Richmond VA 23226-3771

Shree Anjali & Mukti LLC
1503 Dorothy Nichol Ln
Smithville TX 78957

Prosperity Bank
Attn: Accounts Payable
80 Sugar Creek Center Blvd
Sugarland TX 77478

720 Lamar Place, LC
C/O V&S Enterprises
PO Box 6110
Austin TX 78762-6110

Sun Development, Inc.
PO Box 4456
Houston TX 77210

**NOTICE OF PUBLIC HEARING BY
THE BASTROP CITY COUNCIL**

Dear Property Owner:

The Bastrop City Council will conduct a public hearing in the City Council Chambers, 1311 Chestnut Street, Bastrop, Texas on Tuesday, November 10, 2015 at 6:30 p.m. to consider the following request:

Request by CSW Development to overturn a prior decision of the Bastrop Municipal Sign Review Board, made on April 1, 2015, denying a request by CSW for variances to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standards 35 feet height up to a height of 50 feet (i.e., a 15 foot increase)

The Applicant is: CSW Development

Property Location: 107 Childers Drive/southwest corner of Highway 71
West and Childers Drive

Legal Description: Bastrop Station Subdivision – being +/-4.145 acres
within the Nancy Blakey Survey A-98

(PLEASE SEE ATTACHED SITE PLAN/LOCATION)

As a property owner within 200' of the above referenced property, you are being notified of the public hearing and invited to attend to express your opinion at the meeting or in writing by completing the form below. Written comments, either in support or opposition to this request, must be submitted to the City Manager prior to the November 10, 2015 meeting, at this location 1311 Chestnut Street or Mail to P.O. Box 427 Bastrop, Texas 78602, Fax (512) 332-8819 or call the City Manager's Office at (512) 332-8800.

✂
✂

PROPERTY OWNER'S RESPONSE

✂
✂

As a property owner within 200':
(please check ☒ one)

- ☐ I am in favor of the request.
- ☐ I am opposed to the request.
- ☐ I have no position on this request.

Property Owner Name: _____

Property Address: _____

Mailing Address: _____

Property Owner's Signature: _____

Comments: (Optional)

Please reply to: Office of City Manager
City of Bastrop
P.O. Box 427
Bastrop, Texas 78602

RE: Variance to sign height and square footage reversal (mailed 11-4-15)

11-10-15

Board of Adjustment / Municipal Sign Review Board
April 1, 2015, 6:00 p.m.
Meeting Minutes

1. Call to Order.

Dan Hays-Clark called the meeting to order at 6:00 p.m.

2. Roll call.

Blas Coy	- present
Michael Gibbons	- absent (prior notice was given)
Dan Hays-Clark	- present
Clifford Wright	- present
Herb Goldsmith	- present
Matthew Lassen (Alternate)	- present
Bob Rogers (Alternate)	- present

3. Citizen comments.

There were no citizen comments.

4. Consideration and approval of the January 7, 2015 Board of Adjustment meeting minutes.

Blas Coy made a motion to approve the meeting minutes of January 7, 2015. Seconded by Matthew Lassen and the motion passed unanimously.

5. The Board of Adjustment adjourned their regular meeting and convened into the Municipal Sign Review Board.

6. Public Hearing Case: The Municipal Sign Review Board will convene a Public Hearing on Sign Variance Request, MSRBV 15:01: Variance to Sign Ordinance Section 3.20.016, (4) Pylon signs on Highway 71 to allow the sign area to be 227 square feet with a 50 foot height in which the maximum area of pylon signs is 160 square feet and a maximum allowable height is 35 feet. The property consists of +/- 4.145 acres within the Nancy Blakey Survey A-98 commonly known as 107 Childers Drive, an area zoned C-2, Commercial in the city limits of Bastrop, Texas

Melissa McCollum addressed the Board referencing her PowerPoint presentation of the property showing the location map with the development description. She stated the proposed development is to consist of approximately 40,000 square feet of retail space on two lots. She stated the property was recently platted into two lots, with Lot 2 being on the corner of Highway 71 and Childers Drive, and Lot 1 having frontage on Childers Drive and Agnes Street. Melissa stated a site development permit has been submitted for Lot 1 and was recently approved to be developed. She stated staff did recommend they submit a Comprehensive Sign Program but they did not. Staff's understanding is although this proposed sign is to be located on Lot 2, it will also serve as main signage for Lot 1.

Dan Hays-Clark asked Melissa about the proposed location of this sign and Melissa answered it would be at the Highway 71 and Childers Drive corner. Herb Goldsmith asked about exiting the highway prior to this site and Melissa stated it would be the exit near Southside Barbeque.

Discussion was had regarding any proposed changes by TxDOT regarding exits with the building of the new overpass and exits in relation to accessing this site. Matthew Lassen inquired if the intention is to advertise the center or all of the businesses.

Mr. Robert O'Farrell, with CSW Development responded and addressed the Board stating the nearly 40,000 square feet of retail space is to become home to several national retailers. He stated most will only come to Bastrop if they can be seen and referenced photographs shown on the projection screen showing the difference between 35 feet in sign height versus 50 feet in height. He stated that restaurant and retail tenants have made it clear that without being visible to Highway 71 they will not do a deal in the project. He feels the solution to this would be to allow the sign to be 50 feet in overall height so all of the tenant signs can be seen referencing the traffic photo overlay.

Several discussions were held regarding the placement of the proposed sign, how it will be illuminated, and how many businesses are proposed to be advertised on the sign, and traffic safety issues when exiting the highway. Several Board members reiterated that our community is in favor of lower sign heights which is why our ordinance has a limitation of 35 feet for signage along Highway 71.

Mr. O'Farrell stated they are looking at probably 10 tenants to be advertised on the pylon sign and would still like to have the 50 foot sign in height with a sign area of 227 square feet due to the issue of visibility being problematic.

Blas Coy commented that we do want new business here and do appreciate the interest in our City, but if the Board allowed one business a 50 foot sign, then every other business along Highway 71 will want the same. Therefore, setting a precedence and this is why we have a sign ordinance prohibiting these large signs. Dan Hays-Clark stated the property was purchased in this configuration and the developer's knew the signage and overpass issue existed. Mr. O'Farrell stated he does appreciate the Board's position.

Dan Hays-Clark closed the public hearing.

Herb Goldsmith made a motion to deny the variance request based on Staff's findings. Seconded by Clifford Wright and the vote went as follows:

Herb Goldsmith	-	deny
Dan Hays-Clark	-	deny
Blas Coy	-	deny
Matthew Lassen	-	deny
Clifford Wright	-	deny

7. The Municipal Sign Review Board adjourned and reconvened into the Board of Adjustment.
8. Director's Report.

Melissa addressed the Board stating there will be board/commission training by the City Attorney in May and September and to check the city secretary's webpage for dates and times.

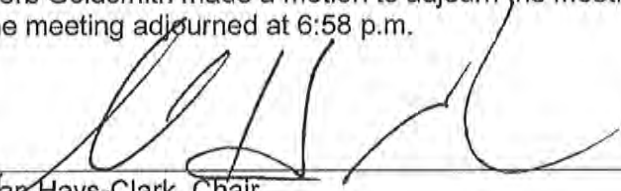
Dan Hays-Clark and Melissa discussed Form Based Code and signage within the FBC areas.

Mike Talbot addressed the board stating the City will be conducting a traffic analysis with parallel parking on Main Street in the next week or two. Mike suggested the City's way-finding consultant meet with this Board to discuss signage and parking downtown.

Melissa stated Board members, Blas Coy, Herb Goldsmith, Matthew Lassen and Clifford Wright have terms that will expire this June. She asked for them to email their letter and application for board reappointments to the city secretary and to copy the Mayor and herself on their emails.

9. Adjourn.

Herb Goldsmith made a motion to adjourn the meeting. Seconded by Clifford Wright and the meeting adjourned at 6:58 p.m.



Dan Hays-Clark, Chair

*****NOTICE*****

City of Bastrop
P.O. Box 427
Bastrop, Texas 78602
(512) 332-8842
www.cityofbastrop.org

**BOARD OF ADJUSTMENT MEETING
MUNICIPAL SIGN REVIEW BOARD**

Wednesday, April 1, 2015
6:00 pm
City Hall Council Chambers
1311 Chestnut Street
Bastrop, Texas 78602

(Board of Adjustment as applicable, may, at any time, recess the Regular or Workshop Session to convene in Executive Session at the request of the Chair, a Board Member, the Planning Director, or legal counsel concerning any item posted on the agenda, for any purpose authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.)

1. Call to Order: Open the regular meeting of the Board of Adjustment and welcome visitors.
2. Roll call and confirmation of a quorum of Board members.
3. Citizen comments.
(Persons may address the Board of Adjustment on any issue not otherwise listed on this Agenda. Please observe the time limit of three (3) minutes. In accordance with the State of Texas Open Meeting Act, the Board may not comment, deliberate or take action on such citizen comments/statements during this meeting, except as authorized by Section 551.042, Texas Government Code.)
4. Consideration and approval of the January 7, 2015, joint meeting of the Board of Adjustment and the Bastrop Main Street Program Advisory Board meeting minutes.
5. The Board of Adjustment will adjourn its regular session and convene as the Municipal Sign Review Board.
6. **Public Hearing Case:** The Municipal Sign Review Board will convene a Public Hearing on Sign Variance Request, MSRBV 15:01 as follows:

Variance to Sign Ordinance Section 3.20.016, (4) Pylon signs on Highway 71 to allow the sign area to be 227 square feet with a 50 foot height in which the maximum area of pylon signs is 160 square feet and a maximum allowable height is 35 feet. The property consists of +/- 4.145 acres within the Nancy Blakey Survey A-98 commonly known as 107 Childers Drive, an area zoned C-2, Commercial in the city limits of Bastrop, Texas

- a. Presentation by Staff.
 - b. Presentation by Applicant.
 - c. Receive other verbal and written testimony, including public input, if any.
 - d. Response by Applicant and/or Staff.
 - e. Close public hearing.
 - f. Board discussion and render decision.
7. The Municipal Sign Review Board will adjourn as the Municipal Sign Review Board and will reconvene into Regular Board of Adjustment session.

8. Director's Report:

- a. Direction from the Board of Adjustment/Municipal Sign Review Board on any items to be included on any future agendas.

9. Adjourn.

CERTIFICATE

I, Marie K. Murnan, certify that the above notice of meeting was posted on the bulletin board of City Hall, and on the City's website on the 27th day of March, 2015 at 8:40 AM/PM


Marie K. Murnan

The City of Bastrop is committed to compliance with the Americans with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.
Please call 512-332-8800

Posted Confirmed X

City of Bastrop



Agenda Information Sheet:

Municipal Sign Review Board Meeting Date:
MSRBV15:01

April 1, 2015
Agenda Item #6

Public Notice Description:

Variance to Sign Ordinance Section 3.20.016, (4) to allow the sign area to be 227 square feet with a 50 foot height in which the Sign Ordinance states the maximum area of a pylon sign is 160 square feet and maximum allowable height is 35 feet. The property consists of +/- 4.145 acres within the Nancy Blakey Survey A-98 commonly known as 107 Childers Drive, an area zoned C-2, Commercial in the city limits of Bastrop, Texas.

Applicant: CND Signs
Owner: Todd Wallace, CSW Development
Location: 107 Childers Drive, located in the City Limits
Utilities: City water, sewer, and electric
Zoning: C-2, Commercial
Land Use Plan: Commercial

Request:

Bastrop Station is a proposed development that will consist of approximately 40,000 square feet of retail space on approximately +/- 4 acres (2 lots). This property has recently been platted into 2 lots, Lot 2 on the corner (+/- 1 acre) having frontage on Hwy 71 and Childers, Lot 1, having frontage on Childers Drive and Agnes Street (+/- 3.145 acres). This development is proposed to be home to several retailers. A Site Development Permit has been submitted for Lot 1, (+/- 3.145 acres). This property has recently been cleared (previously China Chef and small residential/retail/office which included Mikes Moving, Nail Salon etc. in the rear) and is proposed to be developed under one property owner/developer. Staff would like the owner to submit a "Comprehensive Sign Program" (Section 3.20.018) that will serve both lots. It is staff's understanding that although this proposed sign variance is located on Lot 2, that it will also serve as main signage for Lot 1.

The variance request is to allow a the sign area to be 227 square feet with a 50' height

- Sign Ordinance Section 3.20.016, (4) Pylon signs on Highway 71 (D) The maximum area of a pylon sign is 160 square feet and maximum allowable height is 35 feet

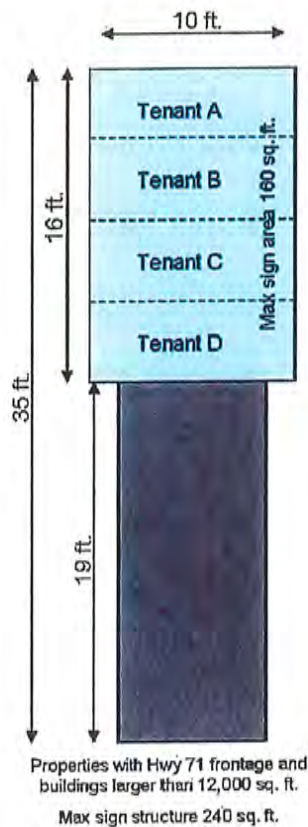
Sec. 3.20.016 Sign dimensional standards by sign category

(4) Pylon.

(D) Business. For lots that have frontage on Highway 71 and where the cumulative size of one or more buildings on the lot is greater than 12,000 square feet. See Section 3.20.015 (13) for additional pylon sign criteria.

- (i) Area:

- a. Sign area: 160 square feet.
 - b. Sign structure area: 240 square feet.
- (ii) Height: 35 feet.
- (iii) Quantity: 1 per lot.
- (iv) Spacing: 100 feet.

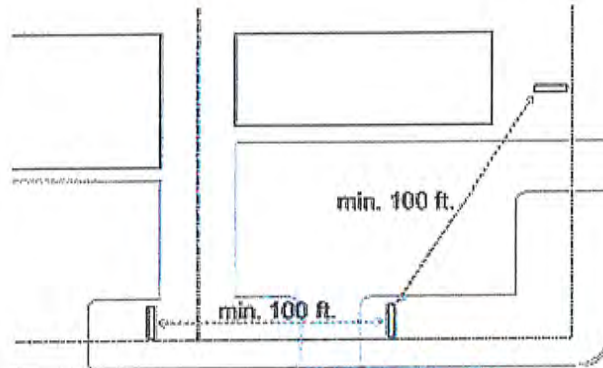


Sec. 3.20.015 Standards for permanent signs

(13) Pylon signs on Hwy 71.

- (A) A maximum of one (1) pylon sign, shall be permitted along Hwy. 71, per lot, and only if the building(s) on the lot meet the minimum size requirements as described in Section 3.20.016(4)(D). (Ordinance 2011-12 adopted 4/26/11)
- (B) The maximum area of a pylon sign is one hundred sixty (160) square feet; maximum allowable height is 35 feet. (Ordinance 2006-21, Sec. 14, adopted 7/11/06)

- (C) Multiple tenants may be listed on a pylon sign so long as the maximum sign area of 160 square feet is not exceeded. (Ordinance 2011-12 adopted 4/26/11)
- (D) Signage shall be spaced a minimum of 100 feet apart from any other type of sign excluding government signs.



Background:

The proposed Bastrop Station sign is proposed to be 50' (feet) which is 15' (feet) taller than allowed. The sign square footage is proposed to be 227 sq. ft. where 160 sq. ft. is allowed. This is 67 sq. ft. of additional signage. The previous sign for China Chef is still located on the property and is +/- 32 ½ feet in height with approximately 106 sq. ft. of sign area plus a message board of 32 sq. ft.



Variance Criteria:

Variances to the City's sign standards are allowed under City Code, Section 3.20.022. The Municipal Sign Review Board, comprised of all BOA members (members and alternates), hear requests for such variances and may authorize variances to the City's sign regulations when application of the Code would result in undue hardship to the applicant, and the applicant proves a non-economic hardship is posed that is not of the applicant's making. [Note: The Criteria for making Findings, when determining whether to allow a variance, is different for the Municipal Sign Review Board, than for the Board of Adjustments.]

3.20.022 Municipal Sign Review Board; variances

- (b) Variances. A variance to the provisions of this article shall be considered an exception to the regulations, rather than a right. The Municipal Sign Review Board may authorize a variance from the regulations of this article by a majority vote when, in its opinion, **undue hardship will result from requiring strict compliance**. The following limitations and criteria shall be used by the board to evaluate, "grant" or "deny" any sign variance request:

Criteria for Findings

1. **Undue hardship**: Special circumstances exist which affect the land and development involved such that the strict application of the provisions of this Article:
 - a. **Would deprive the owner or applicant of the ability to advertise the business or a product**; *In this case, the Applicant has stated that the current ordinance does not allow sufficient exposure, but many retail operations have met the sign code since the adoption. Also the height visibility would not help in exiting the main lanes to the frontage road as the exit for Childers Drive (traveling east) is back toward Southside BBQ.*
 - b. **Granting of a variance shall be based on a finding that the applicant's difficulties or hardship are due to unusual conditions or circumstances, such as irregularly shaped parcel of land**; *Bastrop Station's property with frontage on both Childers Drive and Highway 71 Frontage has great visibility.*
 - c. **Granting of a variance will not adversely affect surrounding property owners and use**; *The Applicant has stated that the surrounding property owners will not be adversely affected, because they exceed the current requirements.*
 - d. **Granting a variance shall not be detrimental to the public health, safety or welfare**; *Applicant states that granting the variances will not be detrimental to the public health, safety or welfare.*
 - e. **Financial hardship alone shall not be grounds for a variance**. *Financial consideration has not been identified by the Applicant as a reason for the variance request.*
2. **A variance shall not be approved if the circumstance for the hardship were caused or created by the owner of the property or the applicant seeking the variance**. *The Applicant is asking for this variance prior to final construction, and has not created any hardships.*

Comments:

Notifications of the requested variances were mailed on March 16, 2015 to 9 adjacent property owners, which own property within 200 feet of the affected property. One (1) comment has been received from adjacent property owners in opposition to the request.

Recommended Action:

Staff believes that the proposed signage is 42% times larger than the allowable signage. Bastrop Station has great visibility on two major roads in Bastrop, and feels that 50' height where 35 square feet allowed is a huge departure from the allowable signage. Therefore, the Staff is recommending that the Municipal Sign Review Board deny conditional approval of the requested variance.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director Planning and Development Department

Attachments: Location map, Hardship Letter, Notices, Findings of Fact.



Property Location Map for Bastrop Station

March 2015

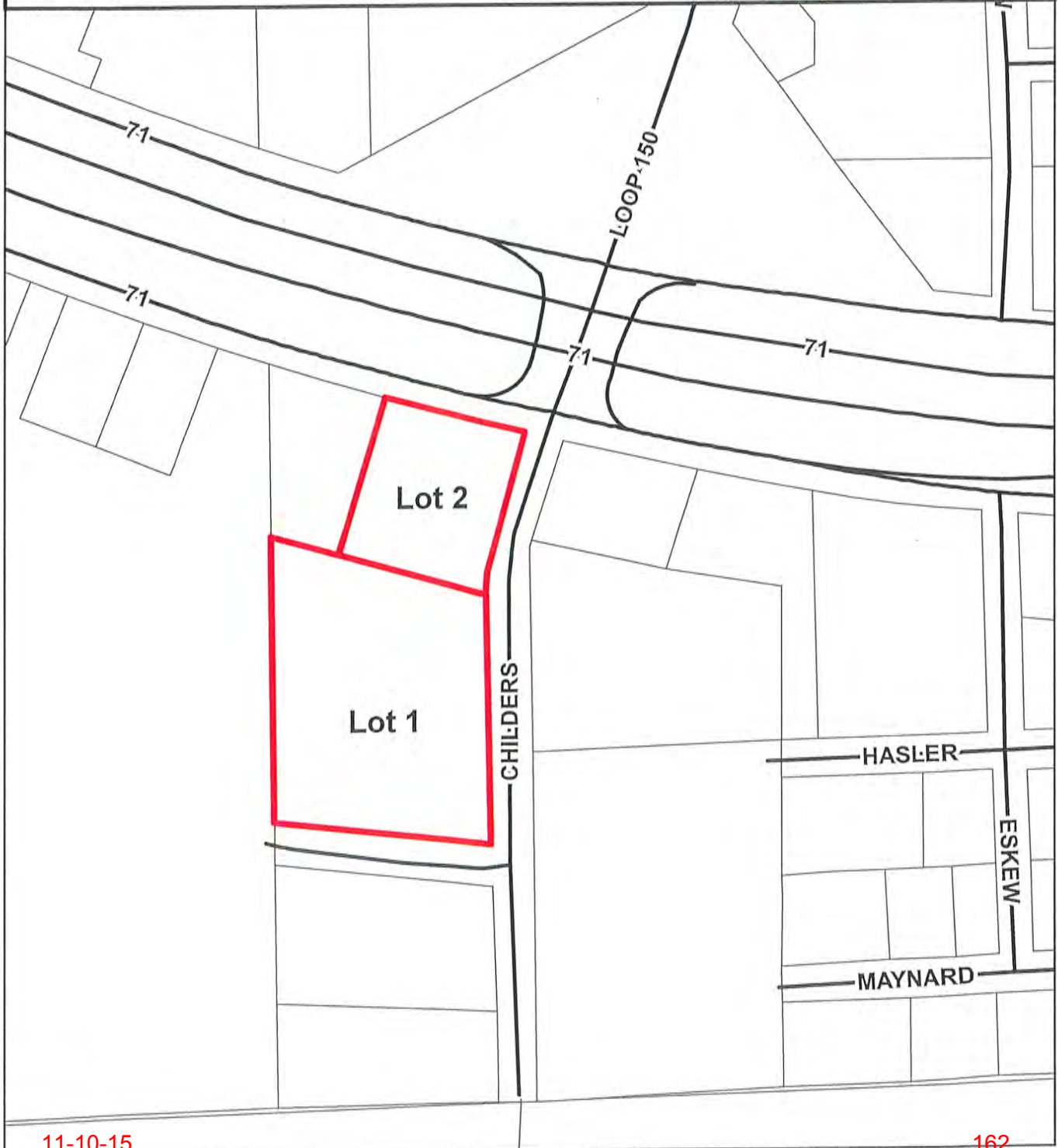


Legend



Bastrop Station Lot 1

Bastrop Station Lot 2



March 1, 2015

City of Bastrop
Planning & Development
1311 Chesnut Street
PO Box 427
Bastrop, TX 78602

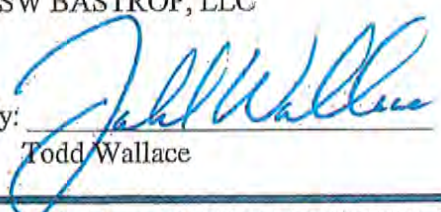
Dear Sir or Madam:

Bastrop Station is a new development consisting of nearly 40,000 SF of retail space which will be home to several national retailers off of Highway 71 & Childers Drive. The pylon sign for Bastrop Station is subject to the City of Bastrop sign code ordinance 2006-21, table 14.01, adopted 7/11/06.

The height of the sign under the code ordinance would be 35' with the tenants' panels starting at 15' above grade. The highway overpass where the sign would be located is 25' to the top of the guardrail of the road. This would position four of the six tenant panels below the vision line of east bound Highway 71 traffic. This would significantly impact the visibility of the sign in its entirety, resulting in retail and restaurant tenants opting out of doing deals in the project. Restaurant and retail tenants have made it clear, that without being visible to Highway 71, they will not do a deal in the project. The solution to this would be to allow the sign to be 50' in overall height so all of the tenant signs can be seen as shown in our traffic photo overlay. It is essential for the traffic traveling on Highway 71 in both directions to see the signage for the tenants at Bastrop Station which will make travelers aware of the presence of the shopping center and encourage them to stop or turn around to shop and eat at the retailers located in the center. Retailers will not do deals and operate in projects where they don't feel they are visible.

The existing sign on the subject property was for a 3,500 SF one-tenant business and was sufficient at the height of approximately 25'. There are several signs within close proximity to our property with sign heights of at least 40-50' which improves their visibility over the highway overpass including Shell, McDonalds, Schlotzsky's, GameStop, Whataburger & Exxon. Many of these 50'+ signs serve small businesses that are approximately 2,000-5,000 SF in size. However, the multi-tenant sign we are proposing will serve as signage for up to 10 tenants on over 4 acres with almost 40,000 SF of retail space. The subject property is also located at the highest point of the overpass. Due to the elevation of the highway, our site needs additional height to merely be visible from Highway 71, we have included some street view elevations from the highway to validate this point. Because of the additional tenants and signage requirements at their locations nationwide, it is vital that the overall square footage of the sign is also increased to allow for sufficient signage. Our design for the Bastrop Station sign uses the architectural elements of the new development and tastefully displays signage for our national tenants while also providing a clean and modern look that will not stick out in the area.

Sincerely,
CSW BASTROP, LLC

By: 
Todd Wallace

35' Sign from Highway 71 Eastbound



50' Sign from Highway 71 Eastbound



BASTROP STATION



F/P: 512-394-5421 P: 512-369-3048 3608 Chapman Ln. Austin TX, 78744 www.CNDsigns.com

A/ $\frac{1}{16''} = 1''$ Pylon Cabinet w/ Pole Cover

A / Pylon Cabinet w/ Pole Cover
16" = 1'

FABRICATE AND INSTALL ONE (1) DOUBLE SIDED PYLON CABINET SIGN W/ POLE COVER TO UL SPECIFICATIONS:

- EXTRUDED ALUMINUM CONSTRUCTION TYPE: LARGE A (WITH AIR VENTS)
- OVERALL LENGTH OF SIGN CABINET: 11'-0" / OVERALL HEIGHT OF SIGN CABINET: 17'-0"
- OVERALL HEIGHT ABOVE GRADE: 59'-0"
- TOTAL SQUARE FEET: 133.5 SQ. FT.

- OVERALL LENGTH OF SIGN CABINET: 11' - 0" / OVERALL HEIGHT OF SIGN CABINET: 17' - 6"
- OVERALL HEIGHT ABOVE GRADE: 59' - 0"
- TOTAL SQUARE FEET: 193.6 SQ.FT.

- CABINET DEPTH: 30"
- RETAINER SIZE: 4"
- FACE TYPE: LEXAN WITH FIRST-SURFACE TRANSLUCENT VINYL GRAPHICS
- MOUNTING METHOD: SINGLE POLE
- ILLUMINATED WITH HIGH OUTPUT FLUORESCENT LAMPS (12" CENTERS)

• PRIMARY ELECTRICAL REQUIREMENT:
120 VOLT (INSTALLED WITHIN SIX FEET OF SIGN BY OTHERS)
TIMER OR PHOTO-CELL (INSTALLED BY OTHERS)

• PYLON SIGN CABINET / COVER TO BE FINISHED TO MATCH BUILDING FACADE

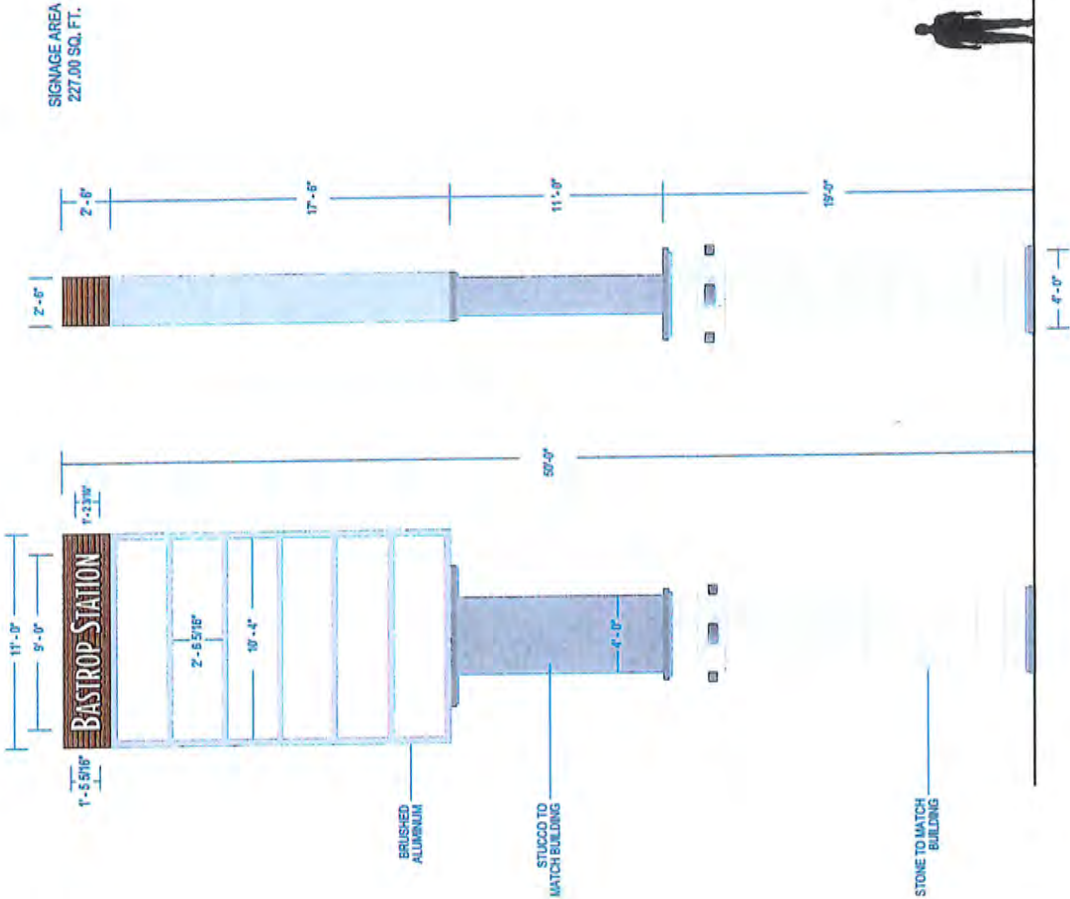
OTHER COMPONENTS / SPECIAL CONSTRUCTION CONSIDERATIONS:

- 850 ALUMINUM
- 850 ALUMINUM FACES BACKED WITH WHITE ACRYLIC
- REINFORCED WITH 1/2" ALUMINUM TUBING WELDED TO CABINET FRAME
- ILLUMINATION: WHITE LED
- CABINET TO OVERLAP WITH VINYL STRIPES TO REPRESENT WOOD PLANKS AND PAINTED SHADOWS OF LITTING

LANDLORD APPROVAL:



3608 CHAPMAN LN.
AUSTIN TEXAS 78744
512.394.5421
512.369.3048
WWW.CNDSIGNS.COM



Cad SIGNS DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have: 1. A minimum of one dedicated 120V 20A circuit 2. Junction box installed within 6 feet of sign 3. Three wires: Line, Ground, Neutral
TEC 14591- REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION P.O. BOX 12157, AUSTIN, TEXAS 78711, 1-800-803-9202, 512-463-6699; WEBSITE: WWW.LICENSE.STATE.TX.US/COMPLAINTS

CLIENT: 1 - 1

BASTROP MARKET

1
JONES LASALLE
HWY 71 AT CHILDERS RD
BASTROP, TX

DATE: 03/06/2015

JOB #: 1892 - VERSION 10

SALESPERSON:
NICKY BLANTON

DESIGNER:
JUAN R.

PM: CODY ESTES

CLIENT APPROVAL:

LANDLORD APPROVAL:



SIGNS
Your Business Image Solution

3608 CHAPMAN LN.
AUSTIN TEXAS 78744

512.394.5421
512.369.3048

WWW.CNDSIGNS.COM



50 FT.



35 FT.

End SIGNS DOES NOT provide primary electrical to sign. Power to the sign must be done by a licensed electrical contractor or licensed electrician. Each sign must have: 1. A minimum of one dedicated 120V 20A circuit. 2. Junction box installed within 6 feet of sign. 3. Three wires: Line, Ground, Neutral
TECL 18581 • REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION P.O. BOX 42157, AUSTIN, TEXAS 78711, 1-800-453-6550; WEBSITE: WWW.LICENSE.STATE.TX.US/COMPLAINTS



Existing Signage (China Chef)



PROPERTY OWNER'S RESPONSE

As a property owner within 200':
(please check ☒ one)

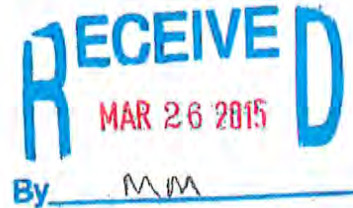
- ☐ I am in favor of the request.
☒ I am opposed to the request.

Property Owner Name: Steve Dusso Properties
Property Address: 460 Hwy 71 West
Mailing Address: P.O. Box 161221, Austin TX 78716

Property Owner's Signature: [Signature]
Comments: (Optional)

Please reply to: Planning and Development Department
City of Bastrop
P.O. Box 427
Bastrop, Texas 78602

Re: Variance to sign height and square footage (mailed 3/16/2015)



**ACTION OF THE CITY OF BASTROP
MUNICIPAL SIGN REVIEW BOARD**

GRANTING VARIANCE

WHEREAS, Bastrop Station ("Applicant") of Bastrop, Texas, the owner of the property legally described as being approximately +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive. The subject property is in the City of Bastrop, Bastrop County, Texas ("Property"); and

WHEREAS, said Property is zoned C2, Commercial and is classified in the Commercial District sign category; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Sign Ordinance, for the Property within the Commercial District sign category, in accordance with Section 3.20.022; and

WHEREAS, Applicant desires a variance be granted as follows:

Sign Ordinance Section 3.20.016, (4), (D) to allow the sign area to be 227 square feet with a 50' height in which the Sign Ordinance states these are prohibited

WHEREAS, Applicant has filed a proper request for such variance; and

WHEREAS, Applicant alleges that strict compliance with the City's Sign Ordinance would result in undue hardship to Applicant, pursuant to Section 3.20.022(b)(1) of the City's Sign Ordinance; and

WHEREAS, public notice has been given and a public hearing was held on April 1, 2015 before the Bastrop Municipal Sign Review Board, with at least the statutory required 75% of members being present.

NOW THEREFORE, THE BASTROP MUNICIPAL SIGN REVIEW BOARD FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 3.20.016, to allow in which the Sign Ordinance states these are prohibited. The property consists of +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive, C2, Commercial District sign category, in the city limits of Bastrop, Texas

FINDINGS
1. Undue Hardship. Special circumstances exist which affect the land and development involved such that the strict application of the provisions of this article: (a) would deprive the owner or applicant of the ability to advertise the business or a product
2. Granting of the variance is based on a finding that the applicant's difficulties or hardship are not due to unusual conditions or circumstances, such as irregularly shaped parcel of land; and
3. Granting of the variance is based upon the determination that the variance would adversely affect surrounding property owners and use; and
4. Granting the variance would not be detrimental to the public health, safety or welfare; and
5. Financial hardship to the applicant, standing alone, has NOT been claimed.
6. A variance shall not be approved if the circumstance for the hardship is caused or created by the owner of the property or the applicant seeking the variance.

1. Therefore, the request to grant the variance to the Sign Standards, as noted herein, IS HEREBY GRANTED with the following conditions:

- a.

3. This matter was heard by at least 75% of the members of the Municipal Sign Review Board who voted as follows:

- A. Blas Coy
 - B. Dan Hays-Clark
 - C. Herb Goldsmith
 - D. Michael Gibbons
 - E. Bob Rogers

4. The action of the Bastrop Municipal Sign Review Board, concerning this request for a variance to the City's Sign Ordinance, was approved by a majority vote of the Board, as required by Section 3.20.022(b).

5. Minutes of this proceeding shall be kept on file in the Municipal Sign Review Board's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and granted on April 1, 2015, by the Bastrop Municipal Sign Review Board.

By: Presiding Officer

STATE OF TEXAS

§
§
§

COUNTY OF BASTROP

**MUNICIPAL SIGN REVIEW BOARD
CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP'S SIGN CODE REQUIREMENTS**

I, Elizabeth Minerva Lopez, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop Municipal Design Review Board Granting Variance" is a true and correct copy of the original document in the Municipal Sign Review Board Office, and I further certify that such document accurately reflects the action granting a variance taken by the Municipal Sign Review Board on April 1, 2015.

Elizabeth Minerva Lopez
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 2015
to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20__

ACTION OF THE CITY OF BASTROP MUNICIPAL SIGN REVIEW BOARD

DENYING VARIANCE

WHEREAS, Bastrop Station ("Applicant") of Bastrop, Texas, the owner of the property legally described as being approximately +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive. The subject property is in the City of Bastrop, Bastrop County, Texas ("Property"); and

WHEREAS, said Property is zoned C2, Commercial and is classified in the Commercial District sign category; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Sign Ordinance, for the Property within the C2, Commercial District sign category, in accordance with Section 3.20.022; and

WHEREAS, Applicant desires a variance be granted as follows: Sign Ordinance Section 3.20.016, (4), (D) to allow the sign area to be 227 square feet with a 50' height in which the Sign Ordinance states these are prohibited

WHEREAS, Applicant has filed a proper request for such variance; and

WHEREAS, Applicant alleges that strict compliance with the City's Sign Ordinance would result in undue hardship to Applicant, pursuant to Section 3.20.022(b)(1) of the City's Sign Ordinance; and

WHEREAS, public notice has been given and a public hearing was held on April 1, 2015 before the Bastrop Municipal Sign Review Board, with at least the statutory required 75% of members being present.

NOW THEREFORE, THE BASTROP MUNICIPAL SIGN REVIEW BOARD FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 3.20.016, to allow in which the Sign Ordinance states these are prohibited. The property consists of +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive, C2, Commercial District sign category, in the city limits of Bastrop, Texas

FINDINGS
(a) Undue Hardship. Special circumstances do not exist which affect the land and development involved such that the strict application of the provisions of this article: would not deprive the owner or applicant of the ability to advertise the business or a product; and <i>In this case, the Applicant has stated that the current ordinance does not allow sufficient exposure, but many retail operations have met the sign code since the adoption. Also the height visibility would not help in exiting the main lanes to the frontage road as the exit for Childers Drive (traveling east) is back toward Southside BBQ.</i>

(b) Granting of the variance is based on a finding that the applicant's difficulties or hardship are not due to unusual conditions or circumstances, such as irregularly shaped parcel of land; and <i>Bastrop Station's property with frontage on both Childers Drive and Highway 71 Frontage has great visibility.</i>
(c) Granting of the variance is based upon the determination that the variance would adversely affect surrounding property owners and use; and <i>The Applicant has stated that the surrounding property owners will not be adversely affected, because they exceed the current requirements.</i>
(d) Granting the variance would not be detrimental to the public health, safety or welfare; and <i>Applicant states that granting the variances will not be detrimental to the public health, safety or welfare.</i>
(e) Financial hardship to the applicant, standing alone, has NOT been claimed. <i>Financial consideration has not been identified by the Applicant as a reason for the variance request.</i>
2. A variance shall not be approved if the circumstance for the hardship is caused or created by the owner of the property or the applicant seeking the variance. <i>The Applicant is asking for this variance prior to final construction, and has not created any hardships.</i>

2. Therefore, the request to grant the variance to the Sign Standards, as noted herein, IS HEREBY DENIED.
3. This matter was heard by at least 75% of the members of the Municipal Sign Review Board who voted as follows:

A. Blas Coy	_____
B. Dan Hays-Clark	_____
C. Herb Goldsmith	_____
D. Michael Gibbons	_____
E. Bob Rogers	_____
4. The action of the Bastrop Municipal Sign Review Board, concerning this request for a variance to the City's Sign Ordinance, was not approved by a majority vote of the Board, as required by Section 3.20.022(b).
5. Minutes of this proceeding shall be kept on file in the Municipal Sign Review Board's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and denied on April 1, 2015, by the Bastrop Municipal Sign Review Board.

By: Presiding Officer

STATE OF TEXAS
COUNTY OF BASTROP

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**MUNICIPAL SIGN REVIEW BOARD
CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP'S SIGN CODE REQUIREMENTS**

I, Elizabeth Minerva Lopez, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop Municipal Design Review Board Granting Variance" is a true and correct copy of the original document in the Municipal Sign Review Board Office, and I further certify that such document accurately reflects the action denying a variance taken by the Municipal Sign Review Board on April 1, 2015.

Elizabeth Minerva Lopez
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 2015 to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20__

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015MEETING DATE: November 10, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING GRANTING A VARIANCE to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
The action required by the City Council regarding the request by "CSW" for the variance to the "Sign Ordinance" is to either "Approve or Deny by Order" [attached] the requested variance.

4. Policy Implication: None.

5. Budgeted: _____ Yes _____ No _____ N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
a) _____
b) _____
c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

**ACTION OF THE CITY OF BASTROP
BASTROP CITY COUNCIL**

DENYING VARIANCE

WHEREAS, Bastrop Station ("Applicant") of Bastrop, Texas, the owner of the property legally described as being approximately +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive. The subject property is in the City of Bastrop, Bastrop County, Texas ("Property"); and

WHEREAS, said Property is zoned C2, Commercial and is classified in the Commercial District sign category; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Sign Ordinance, for the Property within the C2, Commercial District sign category, in accordance with Section 3.20.022; and

WHEREAS, Applicant desires a variance be granted as follows: Sign Ordinance Section 3.20.016, (4), (D) to allow the sign area to be 227 square feet with a 50' height in which the Sign Ordinance states these are prohibited

WHEREAS, Applicant has filed a proper request for such variance; and

WHEREAS, Applicant alleges that strict compliance with the City's Sign Ordinance would result in undue hardship to Applicant, pursuant to Section 3.20.022(b)(1) of the City's Sign Ordinance; and

WHEREAS, public notice has been given and a public hearing was held on November 10, 2015 before the Bastrop City Council, with at least the statutory required 75% of members being present.

NOW THEREFORE, THE BASTROP CITY COUNCIL FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 3.20.016, to allow in which the Sign Ordinance states these are prohibited. The property consists of +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive, C2, Commercial District sign category, in the city limits of Bastrop, Texas

FINDINGS
(a) Undue Hardship. Special circumstances <u>do not</u> exist which affect the land and development involved such that the strict application of the provisions of this article: would <u>not</u> deprive the owner or applicant of the ability to advertise the business or a product; and

(b) Granting of the variance is based on a finding that the applicant's difficulties or hardship are not due to unusual conditions or circumstances, such as irregularly shaped parcel of land; and
(c) Granting of the variance is based upon the determination that the variance would adversely affect surrounding property owners and use; and
(d) Granting the variance would not be detrimental to the public health, safety or welfare; and
(e) Financial hardship to the applicant, standing alone, has <u>NOT</u> been claimed.
2. A variance shall not be approved if the circumstance for the hardship is caused or created by the owner of the property or the applicant seeking the variance.

2. Therefore, the request to grant the variance to the Sign Standards, as noted herein, IS HEREBY DENIED.
3. This matter was heard by at least 75% of the members of the Bastrop City Council who voted as follows:

A. Mayor Pro Tem Willie DeLaRosa	_____
B. Council Member Dock Jackson	_____
C. Council Member Gary Schiff	_____
D. Council Member Kay Garcia McAnally	_____
E. Council Member Kelly Gilleland	_____
4. The action of the Bastrop City Council, concerning this request for a variance to the City's Sign Ordinance, was not approved by a majority vote of the Council, as required by Section 3.20.022(b).
5. Minutes of this proceeding shall be kept on file in the Office of the City Secretary, and are public records.

NOW THEREFORE, the above request for a variance was heard and denied on November 10, 2015, by the Bastrop City Council.

By: City Secretary Ann Franklin

STATE OF TEXAS
COUNTY OF BASTROP

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**BASTROP CITY COUNCIL
CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP'S SIGN CODE REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop City Council Granting Variance" is a true and correct copy of the original document in the Bastrop City Secretary Office, and I further certify that such document accurately reflects the action denying a variance taken by the Bastrop City Council on November 10, 2015.

Ann Franklin
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 2015 to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20__

**ACTION OF THE CITY OF BASTROP
BASTROP CITY COUNCIL**

GRANTING VARIANCE

WHEREAS, Bastrop Station ("Applicant") of Bastrop, Texas, the owner of the property legally described as being approximately +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive. The subject property is in the City of Bastrop, Bastrop County, Texas ("Property"); and

WHEREAS, said Property is zoned C2, Commercial and is classified in the Commercial District sign category; and

WHEREAS, Applicant has applied for a variance to the City of Bastrop Sign Ordinance, for the Property within the Commercial District sign category, in accordance with Section 3.20.022; and

WHEREAS, Applicant desires a variance be granted as follows:

Sign Ordinance Section 3.20.016, (4), (D) to allow the sign area to be 227 square feet with a 50' height in which the Sign Ordinance states these are prohibited

WHEREAS, Applicant has filed a proper request for such variance; and

WHEREAS, Applicant alleges that strict compliance with the City's Sign Ordinance would result in undue hardship to Applicant, pursuant to Section 3.20.022(b)(1) of the City's Sign Ordinance; and

WHEREAS, public notice has been given and a public hearing was held on November 10, 2015 before the Bastrop City Council, with at least the statutory required 75% of members being present.

NOW THEREFORE, THE BASTROP CITY COUNCIL FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 3.20.016, to allow in which the Sign Ordinance states these are prohibited. The property consists of +/-4.145 acres within the Nancy Blakey Survey A-98, commonly known as 107 Childers Drive, C2, Commercial District sign category, in the city limits of Bastrop, Texas

FINDINGS
1. Undue Hardship. Special circumstances exist which affect the land and development involved such that the strict application of the provisions of this article: (a) would deprive the owner or applicant of the ability to advertise the business or a product
2. Granting of the variance is based on a finding that the applicant's difficulties or hardship are not due to unusual conditions or circumstances, such as irregularly shaped parcel of land; and
3. Granting of the variance is based upon the determination that the variance would adversely affect surrounding property owners and use; and
4. Granting the variance would not be detrimental to the public health, safety or welfare; and
5. Financial hardship to the applicant, standing alone, has <u>NOT</u> been claimed.
6. A variance shall not be approved if the circumstance for the hardship is caused or created by the owner of the property or the applicant seeking the variance.

1. Therefore, the request to grant the variance to the Sign Standards, as noted herein, IS HEREBY GRANTED with the following conditions:
 - a.

3. This matter was heard by at least 75% of the members of the Bastrop City Council who voted as follows:

A. Mayor Pro Tem Willie DeLaRosa	_____
B. Council Member Dock Jackson	_____
C. Council Member Gary Schiff	_____
D. Council Member Kay Garcia McAnally	_____
E. Council Member Kelly Gilleland	_____

4. The action of the Bastrop City Council, concerning this request for a variance to the City's Sign Ordinance, was approved by a majority vote of the Council, as required by Section 3.20.022(b).

5. Minutes of this proceeding shall be kept on file in the City Secretary Office, and are public records.

NOW THEREFORE, the above request for a variance was heard and granted on November 10, 2015, by the Bastrop City Council.

By: Bastrop City Secretary Ann Franklin

STATE OF TEXAS

§

COUNTY OF BASTROP

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**BASTROP CITY COUNCIL
CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP'S SIGN CODE REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop City Council Granting Variance" is a true and correct copy of the original document in the Bastrop City Secretary office, and I further certify that such document accurately reflects the action granting a variance taken by the Bastrop City Council on November 10, 2015.

Ann Franklin
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 2015
to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20__

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015MEETING DATE: November 10, 2015

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING SECTION 1.15.501 "CREATION OF ETHICS COMMISSION" OF THE "ETHICS ORDINANCE" IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

2. Party Making Request: Councilmember Kelly Gilleland

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No X

Councilmember Ms. Kelly Gilleland developed the attached "Ordinance" and would like to review and discuss this ordinance with the Mayor and members of the City Council.

4. Policy Implication: None.

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE NO. 2015 - 28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
AMENDING SECTION 1.15.501 "CREATION OF ETHICS COMMISSION" OF THE
"ETHICS ORDINANCE" IN THE CODE OF ORDINANCES OF THE CITY OF
BASTROP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, on or about January 10, 2012, the City Council of the City of Bastrop, Texas adopted a Code of Ethics, which applies to both the elected officials and employees of the City of Bastrop, and

WHEREAS, on or about March 2012, in compliance with Section 1.15.501, entitled "Creation of Ethics Commission," the City Council appointed the Honorable Chris Duggan, the Reverend Lisa Hines, and Corporal Wuthipong Tantaksinanukij, to serve as the three members of the Ethics Commission, and

WHEREAS, on or about November ___, 2015, the City Council has met to evaluate and consider a potential amendment to the Ethics Code, related to Section 1.15.501, et seq. and has, after careful study and review, determined that a clarifying addition and amendment to the Ethics Code, as noted herein below, will enhance the function of the Ethics Commission of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1. That Section 1.15.501 "Creation of Ethics Commission" is hereby amended to read as follows.

Section 1.15.501 "Creation of Ethics Commission"

- a. An Ethics Commission shall be created and consist of three (3) members, all of whom must reside within jurisdiction of the City, which for purposes of this Ordinance expressly includes the City's extraterritorial jurisdiction. Within sixty (60) days of its adoption of this Ordinance, each member of the City Council will submit to the City Attorney names of recommended appointees. The City attorney will provide the recommended appointees to

the Mayor, who will then appoint the three (3) members of the Ethics Commission, upon concurrence of the members of the City Council.

- b. Notwithstanding any other general prohibition or policy of the City against judges serving on City boards and commissions, due to the specialized nature of the Ethics Commission, in its sole discretion, the City Council may determine that it is appropriate, in the best interest of the City, and/or the preference of the governing body of the City for the Mayor to appoint, with the City Council's concurrence, a judge to serve on the Ethics Commission. For purposes of this section, the judge appointed to the Ethics Commission, if any, may be currently serving or may be retired from the bench of any governmental entity, except the City, and may have been either elected or appointed to his/her judicial position.

Part 2: All other provisions of the Bastrop Code of Ethics shall remain in full force and effect, and unamended.

Part 3: This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this Ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 4: If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 5: The Mayor is hereby authorized to sign this Ordinance and the City Secretary to attest. This Ordinance shall become effective immediately.

PASSED AND APPROVED ON FIRST READING ON THIS 10th DAY OF November, 2015.

PASSED AND ADOPTED ON SECOND READING ON THE ____ DAY OF _____,
2015.

APPROVED:

ATTEST:

Mayor Ken Kesselus

Ann Franklin, City Secretary

Approved in Form:

Jo-Christy Brown, City Attorney
Shan Rutherford, City Attorney

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2015

MEETING DATE: November 10, 2015

1. **ITEM LANGUAGE:** CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, AN OPPORTUNITY FOR THE CITY TO ADDRESS AND CORRECT THE INACCURACY OF THE FORECASTS OF THE FLOOD'S CREST LEVEL AND COORDINATION BETWEEN AGENCIES RESPONSIBLE FOR FORECASTING FLOOD LEVELS ON THE LOWER COLORADO RIVER.
2. Party Making Request: Mayor Kesselus
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken:

RESOLUTION NO. R-2015-23

A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, RELATED TO AN OPPORTUNITY FOR THE CITY TO ADDRESS AND CORRECT THE INACCURACY OF THE FORECASTS OF THE FLOOD'S CREST LEVEL AND SEEK COORDINATION BETWEEN AGENCIES RESPONSIBLE FOR FORECASTING FLOOD LEVELS ON THE LOWER COLORADO RIVER.

WHEREAS, the Halloween 2015 flooding on the Colorado River throughout the Bastrop Community caused considerable damage and presented a threat to the health and safety of the citizens of this community and their property; and

WHEREAS, forecasts of the Lower Colorado River's flood crest level at the City of Bastrop, issued by the West Gulf River Forecast Center, a part of the National Oceanic and Atmosphere Administration (NOAA), was tragically inaccurate at 29.9 foot, when the actual flood crest level reached more than 36 feet (an inaccuracy factor of 20%); and

WHEREAS, the imprecision of the forecast seems to lie in a lack of reliable data and lack of coordination between agencies responsible for forecasting flood levels on the Lower Colorado River; and

WHEREAS, this failure created hardship for many b residents with property lying between the 29 and 36 foot flood levels who relied on the inaccurate information; and

WHEREAS, in decades past, when the Lower Colorado River Authority (LCRA) managed the flood forecasting process, the results were accurate within a small margin, thereby enabling citizens of the Bastrop Community to prepare accordingly and safely.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BASTROP HEREBY RESOLVES THAT:

All federal, state, regional, and local entities that collect, manage and disseminate flood forecasts for the Lower Colorado River, including NOAA,

the National Weather Service, local Directors of Emergency Management and LCRA, are called upon by the City of Bastrop, Texas to cooperate, concur and communicate on this vital information for the safety and welfare of citizens of the Bastrop Community and the entire lower river basin; and

Further, the City of Bastrop calls upon the LCRA, as the State agency responsible for the management of the Lower Colorado River, to take a leading role in gathering and coordinating the Colorado River information, including making forecasts of flood stages when needed; and

The City of Bastrop hereby requests that LCRA install additional gauges between Austin and Smithville to enhance real-time flood data resulting in earlier detection of flooding, timely flood communication with communities potentially effected thereby, and more timely evacuations by such communities.

PASSED AND RESOLVED on the 10th day of November 2015.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

I was dismayed at the recent missed forecast of the river levels. Like many others, I went to bed Friday night expecting the river to crest at the 71 bridge at less than 30 feet as official predictions told us. We know what that level is, as do all who live along or have property there. When it actually passed 36 feet, I was very surprised and many suffered loss as a result of false expectations.

I, nor anyone I can find, ever remembers such a serious mistake in forecasting by LCRA. We have relied upon them for decades, depending for safety on their data, hydrological system, and staff experts.

I have been informed that LCRA has not issued the forecasts since 2011. I cannot imagine why governmental entities would have changed such a previously successful process.

This failure indicates, I believe, that we need corrective action.

This resolution is an opportunity for the city to state such a position and for us to insist on cooperation and the installation of additional monitoring devices on the river below Austin.

Ken Kesselus

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: Nov. 4, 2015

MEETING DATE: Nov. 10, 2015

1. Agenda Item: **Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ending Sept 30, 2015.**

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

Provide City Council monthly financial report overview for four major funds to include General Fund, Water-Wastewater Fund, Bastrop Power & Light and the Hotel Motel Fund.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: **Acceptance of monthly financial reports**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

**CITY OF BASTROP, TEXAS
MONTHLY FINANCIAL REPORT AND
QUARTERLY FINANCIAL REPORT
FOR PERIOD ENDING SEPT. 30, 2015**



CITY OF BASTROP
SUMMARY OF REVENUES AND EXPENDITURES
AS OF Sept. 30, 2015

Fiscal year 2015 is 12 month or 100% completed as of Sept. 30, 2015.

Revenues

Expenditures

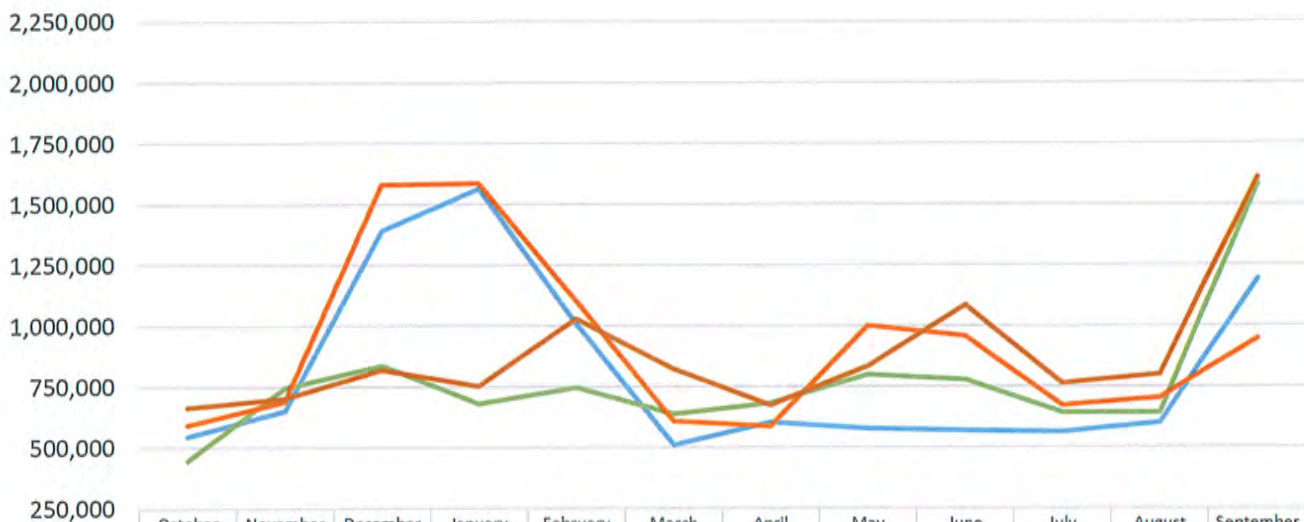
	FY 2015 Budget*	FY 2015 Actual	% of FY2015 Budget	FY 2015 Budget*	FY 2015 Actual	% of FY2015 Budget
General Fund	\$ 10,403,367	\$ 11,014,572	105.88%	\$ 11,322,964	\$ 10,541,282	93.10%
W/WW Fund	\$ 4,338,480	\$ 4,305,722	99.24%	\$ 3,911,020	\$ 3,673,554	93.93%
Electric Fund	\$ 7,598,000	\$ 7,674,775	101.01%	\$ 7,938,165	\$ 7,801,708	98.28%
Hotel Motel Fund	\$ 2,797,000	\$ 2,852,120	101.97%	\$ 3,029,178	\$ 2,910,845	96.09%

*Budget amounts reflect any budget amendments approved by Council during the Fiscal Year

GENERAL FUND REVENUE & EXPENDITURES

AS OF Sept. 30, 2015

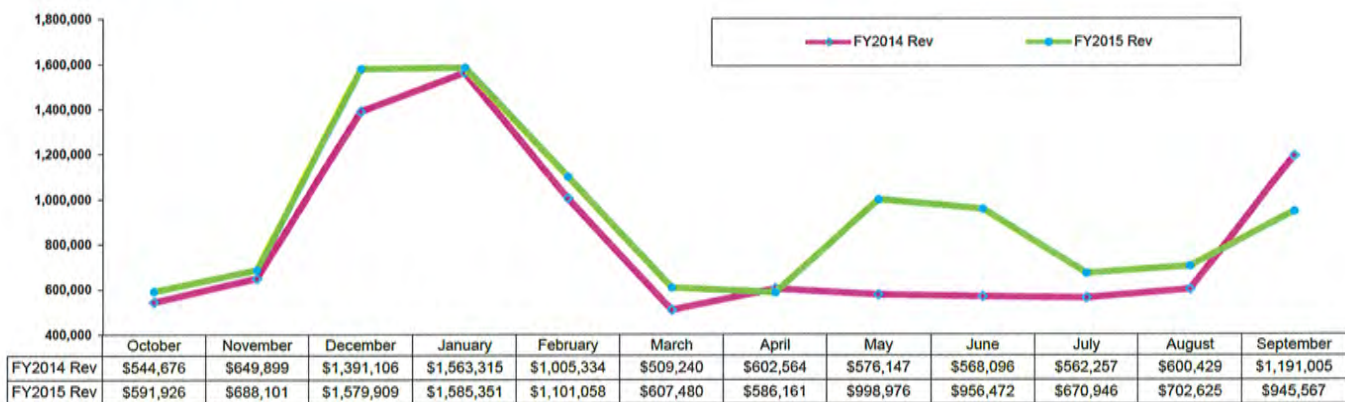
- ❑ Revenues will increase in December, January, and February due to collection of the Ad Valorem Taxes.
- ❑ Due to an audit adjustment that accrues our revenue into the period it was earned, the Sales Tax revenue earned in October and November are estimated.
- ❑ The Revenue spiked in May due to the transfer from BP&L of \$200,000 for the Comprehensive Plan and the donated land from BEDC of \$183,000 in-kind income
- ❑ The increase in expense for June is a result of moving the Solid Waste expense to the GF, per auditors recommendation.



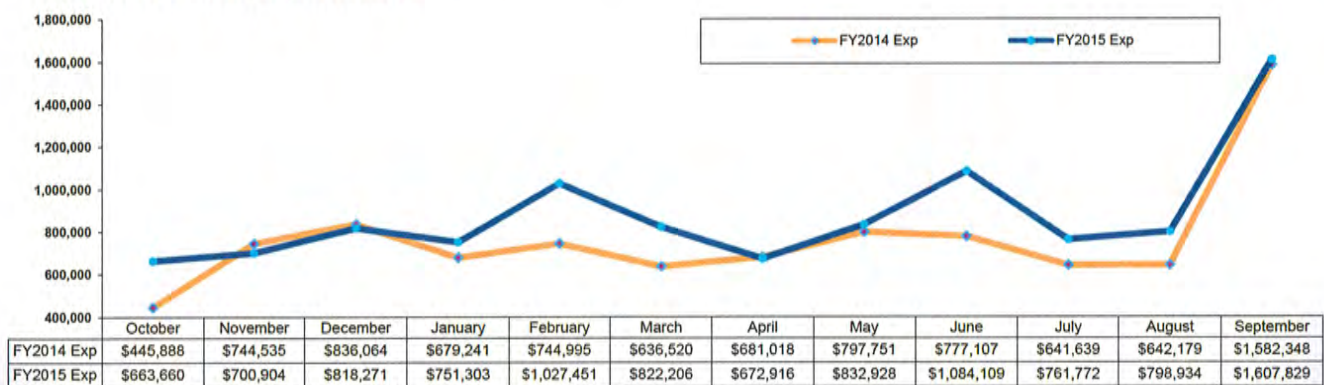
	October	November	December	January	February	March	April	May	June	July	August	September
FY2014 Revenues	\$544,676	\$649,899	\$1,391,106	\$1,563,315	\$1,005,334	\$509,240	\$602,564	\$576,147	\$568,096	\$562,257	\$600,429	\$1,191,005
FY2014 Expenses	\$445,888	\$744,535	\$836,064	\$679,241	\$744,995	\$636,520	\$681,018	\$797,751	\$777,107	\$641,639	\$642,179	\$1,582,348
FY2015 Revenues	\$591,926	\$688,101	\$1,579,909	\$1,585,351	\$1,101,058	\$607,480	\$586,161	\$998,976	\$956,472	\$670,946	\$702,625	\$945,567
FY2015 Expenses	\$663,660	\$700,904	\$818,271	\$751,303	\$1,027,451	\$822,206	\$672,916	\$832,928	\$1,084,109	\$761,772	\$798,934	\$1,607,829

GENERAL FUND REVENUE & EXPENDITURES AS OF Sept. 30, 2015

FY 2014 & 2015 Revenues



FY 2014 & 2015 Expenditures



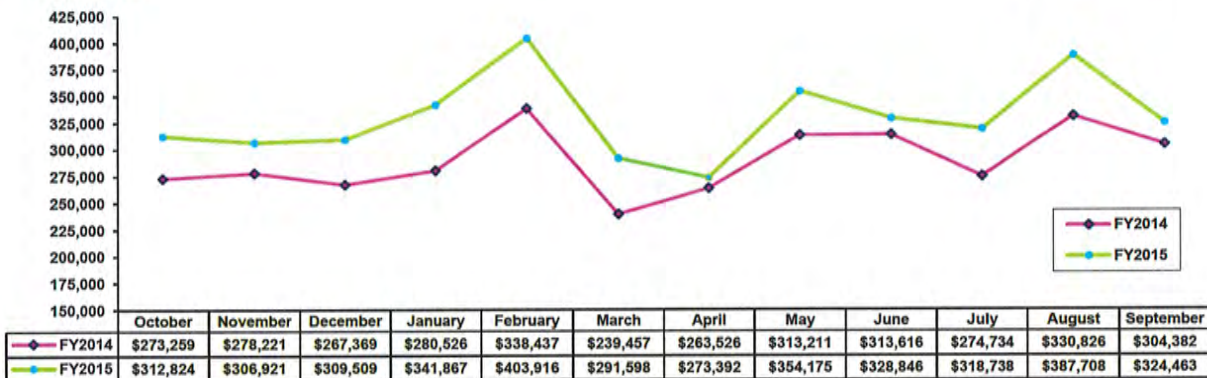
GENERAL FUND REVENUE

AS OF Sept. 30, 2015

FY2015 Budgeted \$3,495,000*

FY2015 YTD \$3,953,957

Sales Tax

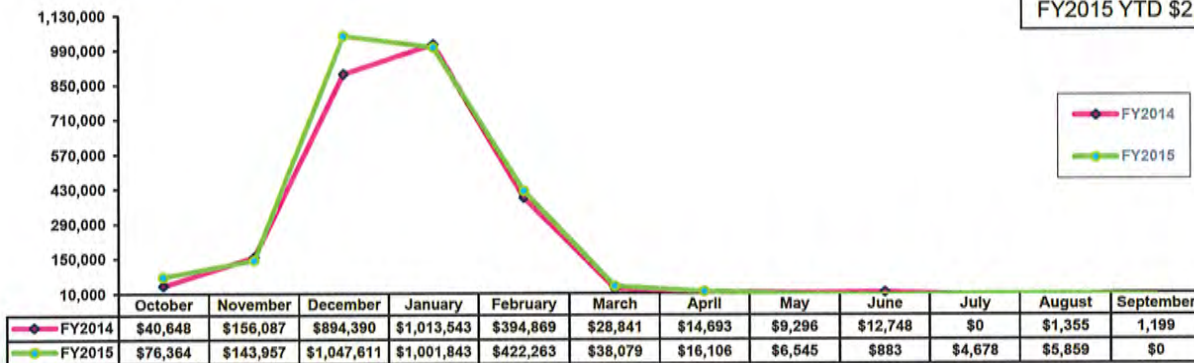


*This amount was amended in May 2015 (Increased by \$65,000)

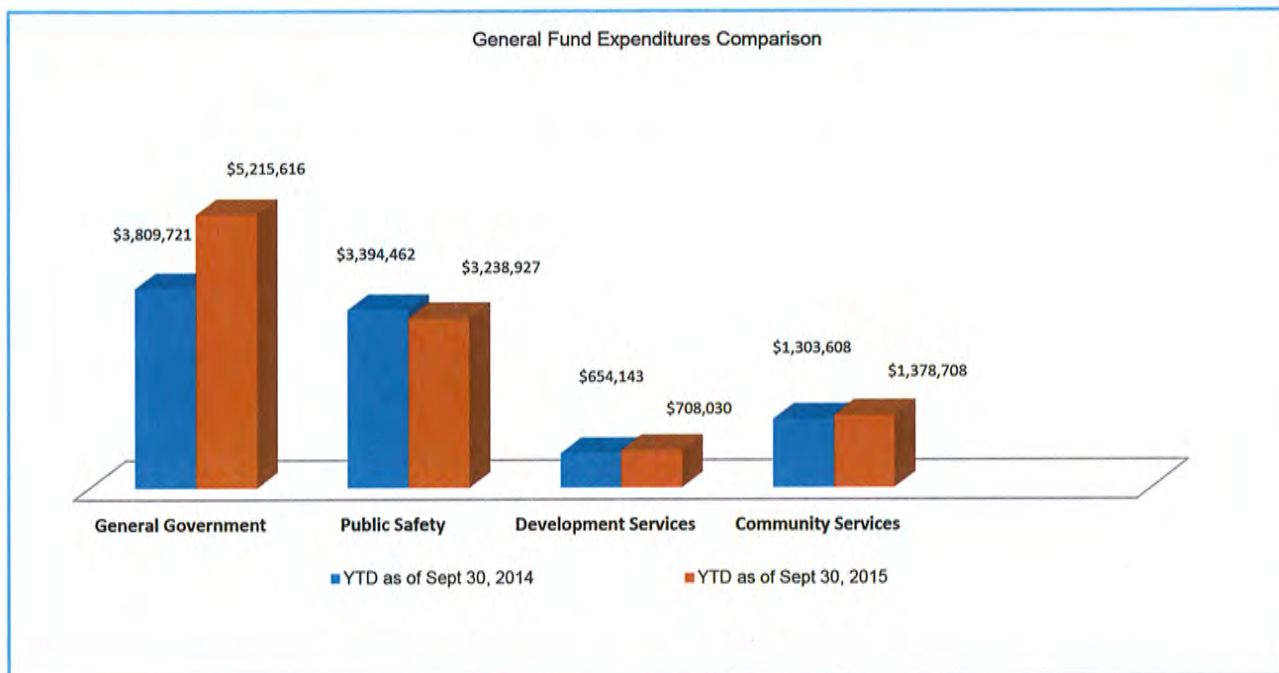
Ad Valorem Taxes

FY2015 Budget \$2,779,920

FY2015 YTD \$2,764,187



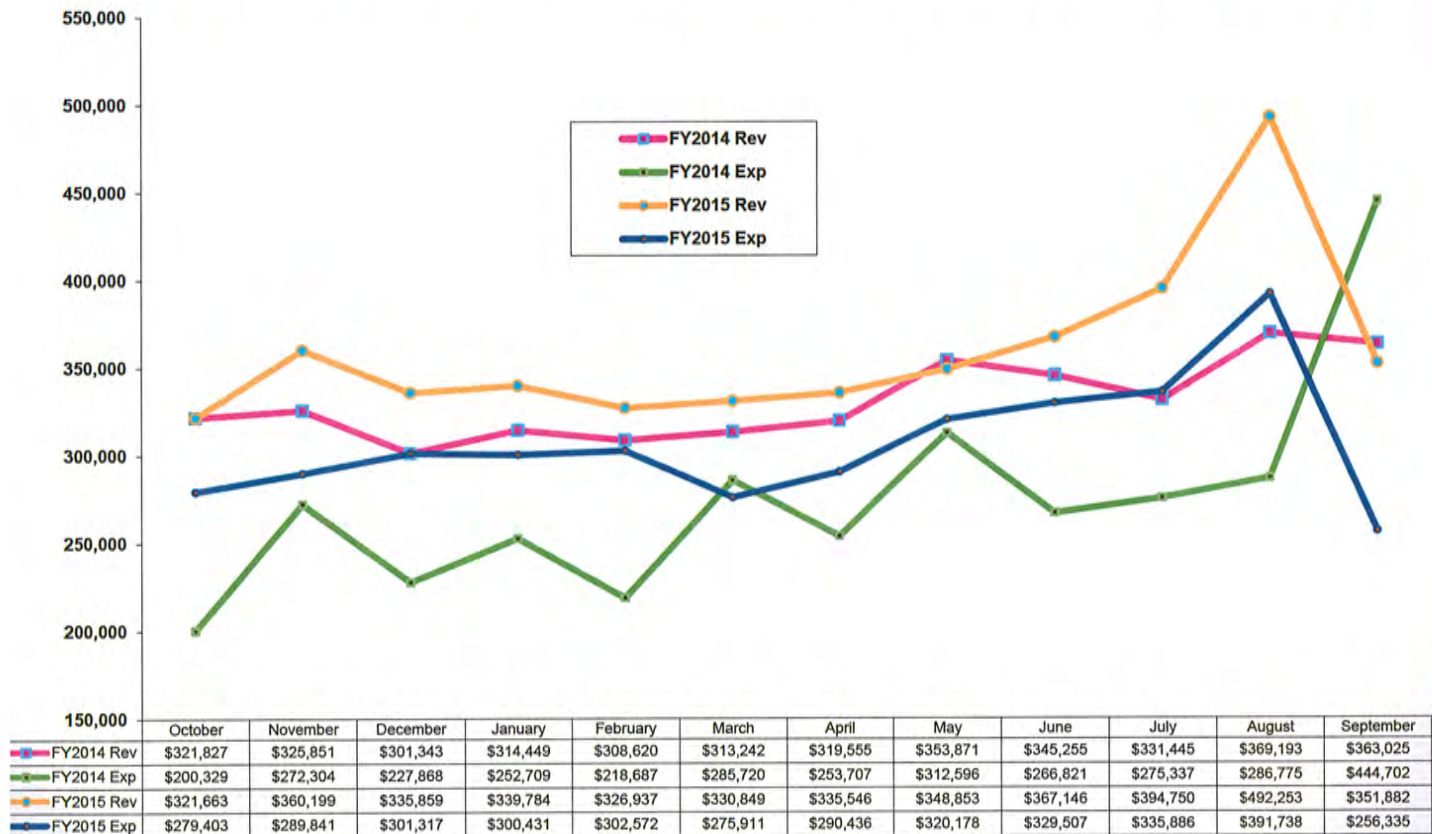
GENERAL FUND EXPENDITURES AS OF Sept 30, 2015



- General Government includes Legislative, Organizational, City Manager, City Secretary, Finance, Human Resources, Information Technology, Public Works, and Building Maintenance
- Public Safety includes Police Department, Fire Department, Health, and Municipal Court
- Development Services includes the Planning Department
- Community Services includes Recreation, Parks, and Library

WATER WASTEWATER FUND REVENUE & EXPENDITURES AS OF SEPT 3, 2015

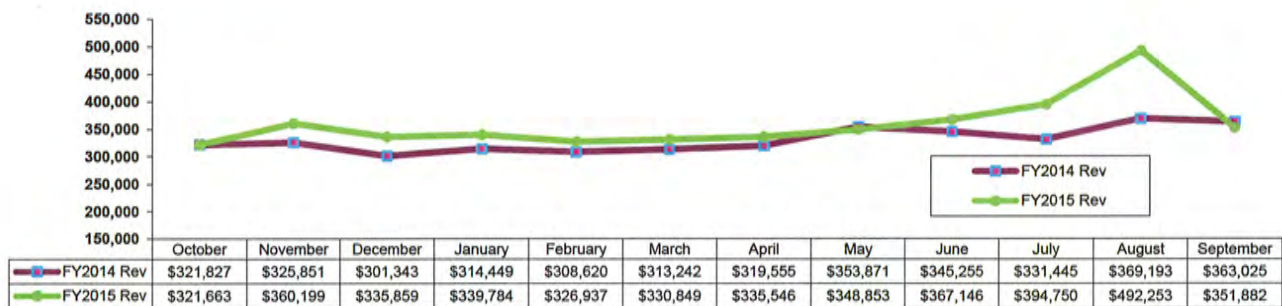
Water/ Wastewater Fund Revenues Year-to-date (YTD) as of August 31, 2015 are \$3,953,839 or 91.13% of the year.



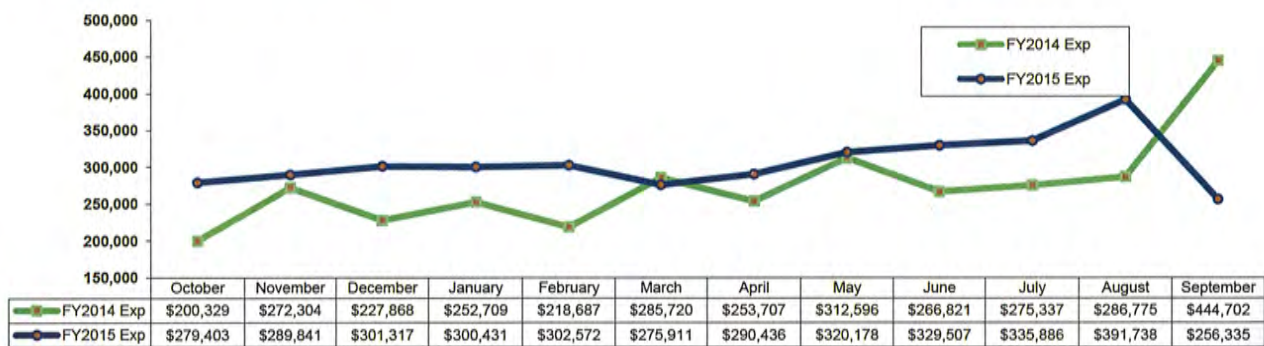
WATER WASTEWATER FUND REVENUE & EXPENDITURES

AS OF Sept. 30, 2015

FY 2014 & 2015 Revenues

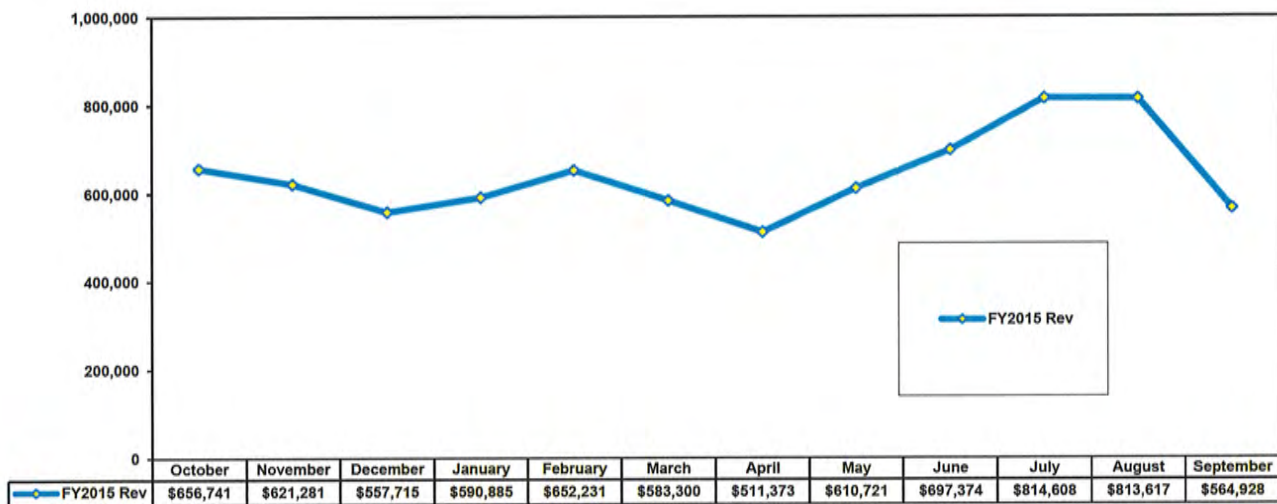


FY 2014 & 2015 Expenditures



BASTROP POWER AND LIGHT / ELECTRIC FUND REVENUE AS OF SEPT. 30, 2015

□ Electric Fund Revenues Year-to-date (YTD) as of Sept. 30, 2015 are \$7,674,775 or 101% of the FY2015 adopted budget.

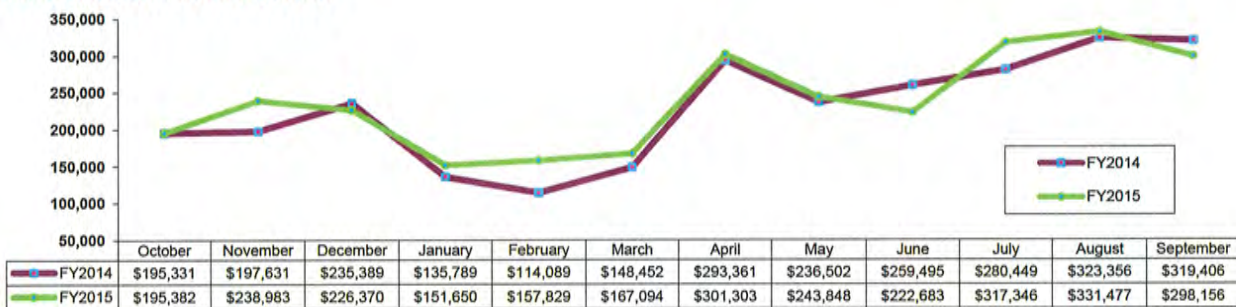


HOTEL MOTEL TAX REVENUE FUND REVENUE AND EXPENDITURES

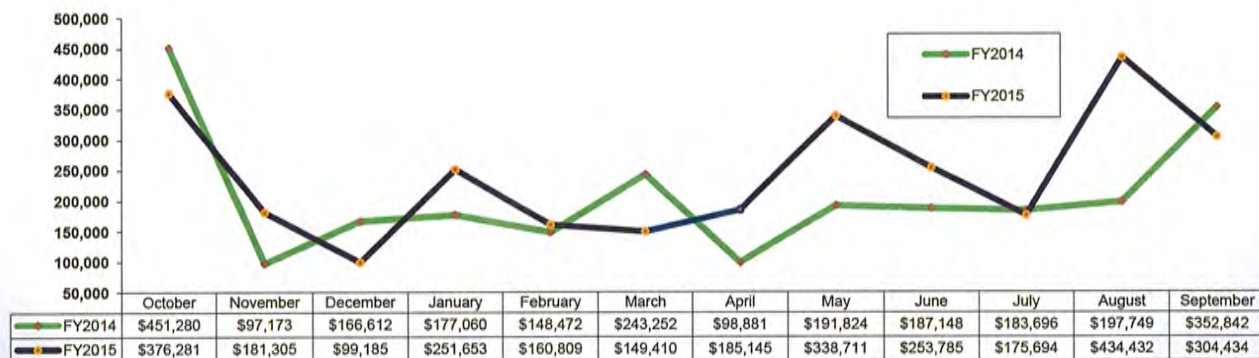
AS OF SEPT. 30, 2015

- ❑ Revenues as of Sept. 30, 2015 represent YTD earned revenue of \$2,852,120. Due to an audit adjustment that accrues our revenue into the period it was earned, the revenue earned in October is an estimate.
- ❑ Expenses in October are increased due to the one-time disbursement of funds to Hotel Motel funded organizations. The spike in August was the additional funding transfer to General Fund for Bastrop Art Guild and double payments to BMC.

Hotel / Motel Fund Revenue



Hotel / Motel Fund Expenses



FINANCIAL STATEMENT REPORTS ARE ATTACHED

- General Fund
- Water/ Wastewater Utility Fund
- Hotel Motel Fund

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
TAXES & PENALTIES						
00-00-4001 CURRENT TAXES M&O	2,567,669.55	2,779,920.00	(0.27)	2,764,187.00	15,733.00	99.43
00-00-4002 DELINQUENT TAXES M&O	35,506.03	35,750.00	(4,473.66)	25,630.82	10,119.18	71.69
00-00-4003 PENALTIES & INTEREST M&O	25,901.95	26,000.00	2,186.29	33,760.57	(7,760.57)	129.85
00-00-4004 FRANCHISE TAX	410,431.90	400,000.00	48,269.24	393,497.71	6,502.29	98.37
00-00-4006 CITY SALES TAX	3,477,564.43	3,508,000.00	324,463.47	3,953,956.63	(445,956.63)	112.71
00-00-4008 OCCUPATION TAX	10,886.95	8,000.00	1,850.00	7,253.78	746.22	90.67
00-00-4009 MIXED BEVERAGE TAX	39,904.06	20,000.00	0.00	36,017.16	(16,017.16)	180.09
00-00-4010 380 AGREEMENT PROP REFUND	0.00	0.00	0.00	(44,029.26)	44,029.26	0.00
TOTAL TAXES & PENALTIES	6,567,864.87	6,777,670.00	372,295.07	7,170,274.41	(392,604.41)	105.79
LICENSES & PERMITS						
00-00-4020 BUILDING PERMITS	119,269.28	75,000.00	17,194.39	140,398.17	(65,398.17)	187.20
00-00-4021 ZONING FEES	1,803.00	3,000.00	0.00	3,531.24	(531.24)	117.71
00-00-4022 PLATTING FEES	16,115.00	6,000.00	5,246.96	57,935.70	(51,935.70)	965.60
00-00-4023 SPECIAL EVENT PERMIT FEE	3,600.00	2,000.00	1,100.00	2,850.00	(850.00)	142.50
TOTAL LICENSES & PERMITS	140,787.28	86,000.00	23,541.35	204,715.11	(118,715.11)	238.04
CHARGES FOR SERVICES						
00-00-4040 ANIMAL SERVICE RECEIPTS	455.00	200.00	10.00	210.00	(10.00)	105.00
00-00-4043 PARKS RECEIPTS	1,920.00	1,600.00	(320.00)	1,585.00	15.00	99.06
00-00-4044 PD ACCIDENT REPORTS	2,271.00	1,800.00	42.00	1,646.00	154.00	91.44
00-00-4046 SPECIAL EVENTS HOT REIMB	31,708.81	35,000.00	11,953.65	25,623.86	9,376.14	73.21
00-00-4047 PROJ ESCROW REIMB	5,472.41	0.00	16,832.98	16,832.98	(16,832.98)	0.00
00-00-4049 TRANSFER STATION RECEIPTS	5,038.02	7,000.00	800.00	8,208.80	(1,208.80)	117.27
00-00-4051 SANITATION REVENUE	0.00	420,000.00	39,946.35	474,079.64	(54,079.64)	112.88
00-00-4052 SANITATION PENALTIES	0.00	0.00	684.82	7,794.21	(7,794.21)	0.00
TOTAL CHARGES FOR SERVICES	46,865.24	465,600.00	69,949.80	535,980.49	(70,380.49)	115.12
FINES & FORFEITURES						
00-00-4070 MUNICIPAL COURT FINES	196,685.05	183,800.00	26,458.63	258,484.84	(74,684.84)	140.63
00-00-4076 LIBRARY RECEIPTS	16,360.06	16,000.00	1,726.12	18,038.01	(2,038.01)	112.74
00-00-4078 JUVENILE CASE MANAGER-M/C	6,025.51	5,100.00	1,217.48	9,701.75	(4,601.75)	190.23
00-00-4080 TEEN COURT (MC)	1,213.58	1,000.00	220.00	921.69	78.31	92.17
TOTAL FINES & FORFEITURES	220,284.20	205,900.00	29,622.23	287,146.29	(81,246.29)	139.46
OTHER REVENUE						
TOTAL						

C I T Y O F B A S T R O P
F I N A N C I A L S T A T E M E N T
A S O F : S E P T E M B E R 3 0 T H , 2 0 1 5

101-GENERAL FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL		BUDGET BALANCE	% OF BUDGET
INTEREST INCOME							
00-00-4400 INTEREST RECEIPTS	3,895.33	5,000.00	403.17	5,216.77	(	216.77)	104.34
TOTAL INTEREST INCOME	3,895.33	5,000.00	403.17	5,216.77	(	216.77)	104.34
INTERGOVERNMENTAL							
00-00-4410 BASTROP CO/EMERG MGMT ASSIST	0.00	0.00	13,379.18	13,379.18	(	13,379.18)	0.00
00-00-4413 BISD PROJECT RECEIPTS	82,657.45	40,000.00	6,820.82	47,008.07	(	7,008.07)	117.52
00-00-4414 DEPT OF JUSTICE GRANT REIMB	2,777.74	0.00	844.09	1,538.52	(	1,538.52)	0.00
00-00-4415 EMERGENCY MANAGEMENT	28,051.19	30,000.00	0.00	43,686.35	(	13,686.35)	145.62
00-00-4418 WCID REIMBURSEMENT	0.00	41,930.00	41,930.01	41,930.01	(	0.01)	100.00
00-00-4419 PROPERTY LIEN PAYMENTS	22,767.14	0.00	0.00	7,705.00	(	7,705.00)	0.00
00-00-4453 HMGP-PINEY RDG ORGAN FUEL REM	0.00	0.00	1,900.52	1,900.52	(	1,900.52)	0.00
00-00-4490 ELECTRIC IN-KIND	516,280.00	516,280.00	43,023.33	516,279.96		0.04	100.00
00-00-4491 WATER/WASTEWATER IN-KIND	531,020.00	531,020.00	44,251.66	531,019.92		0.08	100.00
00-00-4493 BEDC IN-KIND	227,360.00	204,080.00	29,089.98	204,079.76		0.24	100.00
00-00-4495 CONVENTION CENTER IN-KIND	174,120.00	174,120.00	14,510.00	174,120.00		0.00	100.00
00-00-4496 DONATION IN-KIND	0.00	183,000.00	0.00	183,000.00		0.00	100.00
TOTAL INTERGOVERNMENTAL	1,585,033.52	1,720,430.00	195,749.59	1,765,647.29	(	45,217.29)	102.63
MISCELLANEOUS							
00-00-4509 GENERAL DONATIONS	250.00	718.00	0.00	1,545.38	(	827.38)	215.23
00-00-4512 SALE OF FIXED ASSETS	19,614.57	0.00	0.00	546.00	(	546.00)	0.00
00-00-4518 OTHER SOURCES-BANK LOAN	475,000.00	0.00	0.00	0.00		0.00	0.00
00-00-4522 WORKERS COMP. REIMBURSE	1,208.46	4,000.00	0.00	197.29		3,802.71	4.93
00-00-4536 MISCELLANEOUS	27,489.60	21,000.00	13,673.60	30,689.06	(	9,689.06)	146.14
00-00-4537 INSURANCE PROCEEDS	16,106.76	8,969.00	1,077.72	10,984.03	(	2,015.03)	122.47
TOTAL MISCELLANEOUS	539,669.39	34,687.00	14,751.32	43,961.76	(	9,274.76)	126.74
TRANSFERS-IN							
00-00-4703 TRANSFERS IN - ELECTRIC FUND	613,500.00	613,500.00	(7,325.60)	555,049.40		58,450.60	90.47
00-00-4704 TRANS IN - SANITATION FUND	46,166.99	48,000.00	0.00	0.00		48,000.00	0.00
00-00-4717 TRANS IN-HOTEL TAX-CIVIC CENT	0.00	246,580.00	246,580.00	246,580.00		0.00	100.00
00-00-4718 TRANSFER-IN SPECIAL PROJECT	0.00	200,000.00	0.00	200,000.00		0.00	100.00
TOTAL TRANSFERS-IN	659,666.99	1,108,080.00	239,254.40	1,001,629.40		106,450.60	90.39
** TOTAL REVENUE **	9,764,066.82	10,403,367.00	945,566.93	11,014,571.52	(	611,204.52)	105.88
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C I T Y O F B A S T R O P
 FINANCIAL STATEMENT
 AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT						
00-NON-PROGRAM						
TOTAL						
TOTAL						
 LEGISLATIVE						
00-NON-PROGRAM						
PERSONNEL SERVICES	6,060.49	6,386.00	565.18	6,385.17	0.83	99.99
SUPPLIES & MATERIALS	5,596.87	7,479.00	61.44	7,132.37	346.63	95.37
OCCUPANCY	8,406.22	9,106.00	835.00	8,773.54	332.46	96.35
CONTRACTUAL SERVICES	1,640.00	7,329.00	0.00	1,111.92	6,217.08	15.17
OTHER CHARGES	10,404.03	19,940.00	1,861.97	10,351.31	9,588.69	51.91
TOTAL 00-NON-PROGRAM	32,107.61	50,240.00	3,323.59	33,754.31	16,485.69	67.19
TOTAL LEGISLATIVE	32,107.61	50,240.00	3,323.59	33,754.31	16,485.69	67.19
 ORGANIZATIONAL						
00-NON-PROGRAM						
PERSONNEL SERVICES	167,458.83	157,097.00	(2,761.12)	150,716.70	6,380.30	95.94
SUPPLIES & MATERIALS	14,622.03	18,740.00	715.58	17,465.63	1,274.37	93.20
MAINTENANCE & REPAIRS	8,027.72	8,810.00	1,657.50	8,144.76	665.24	92.45
CONTRACTUAL SERVICES	482,393.80	1,050,570.00	341,723.79	1,037,033.68	13,536.32	98.71
OTHER CHARGES	416,647.73	540,878.00	114,448.11	534,313.75	6,564.25	98.79
CAPITAL OUTLAY	22,500.00	183,000.00	0.00	183,000.00	0.00	100.00
TOTAL 00-NON-PROGRAM	1,111,650.11	1,959,095.00	455,783.86	1,930,674.52	28,420.48	98.55
TOTAL ORGANIZATIONAL	1,111,650.11	1,959,095.00	455,783.86	1,930,674.52	28,420.48	98.55
 CITY MANAGER						
00-NON-PROGRAM						
PERSONNEL SERVICES	321,862.84	313,863.00	37,093.08	311,646.34	2,216.66	99.29
SUPPLIES & MATERIALS	5,568.57	8,765.00	253.57	8,623.10	141.90	98.38
OCCUPANCY	8,329.10	9,175.00	665.45	8,610.79	564.21	93.85
CONTRACTUAL SERVICES	108.50	175.00	0.00	87.50	87.50	50.00
OTHER CHARGES	10,309.09	9,575.00	651.41	9,184.09	390.91	95.92
TOTAL 00-NON-PROGRAM	346,178.10	341,553.00	38,663.51	338,151.82	3,401.18	99.00
TOTAL CITY MANAGER	346,178.10	341,553.00	38,663.51	338,151.82	3,401.18	99.00
 CITY SECRETARY						

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
00-NON-PROGRAM						
PERSONNEL SERVICES	71,206.23	64,772.00	11,765.24	59,909.23	4,862.77	92.49
SUPPLIES & MATERIALS	1,554.46	3,010.00	336.86	2,595.80	414.20	86.24
OCCUPANCY	2,200.18	2,810.00	249.78	2,650.25	159.75	94.31
CONTRACTUAL SERVICES	2,885.00	26,452.00	20,477.00	25,812.00	640.00	97.58
OTHER CHARGES	36,297.73	29,970.00	2,026.92	24,588.36	5,381.64	82.04
TOTAL 00-NON-PROGRAM	114,143.60	127,014.00	34,855.80	115,555.64	11,458.36	90.98
TOTAL CITY SECRETARY	114,143.60	127,014.00	34,855.80	115,555.64	11,458.36	90.98

FINANCE

00-NON-PROGRAM						
PERSONNEL SERVICES	309,147.21	326,382.00	36,370.34	310,456.87	15,925.13	95.12
SUPPLIES & MATERIALS	6,426.61	12,460.00	3,266.92	9,769.70	2,690.30	78.41
MAINTENANCE & REPAIRS	33,056.95	33,000.00	712.00	32,196.00	804.00	97.56
OCCUPANCY	7,052.09	7,665.00	525.22	7,633.00	32.00	99.58
CONTRACTUAL SERVICES	37,413.86	63,650.00	10,000.00	62,381.96	1,268.04	98.01
OTHER CHARGES	11,105.16	15,045.00	520.58	12,218.39	2,826.61	81.21
TOTAL 00-NON-PROGRAM	404,201.88	458,202.00	51,395.06	434,655.92	23,546.08	94.86
METER SERVICE						
PERSONNEL SERVICES	335,475.97	352,266.00	36,729.50	333,707.05	18,558.95	94.73
SUPPLIES & MATERIALS	33,372.50	35,350.00	3,710.59	33,434.02	1,915.98	94.58
MAINTENANCE & REPAIRS	9,284.71	8,250.00	137.17	4,514.47	3,735.53	54.72
OCCUPANCY	11,122.22	12,768.00	802.23	9,549.78	3,218.22	74.79
CONTRACTUAL SERVICES	11,819.22	450,342.00	37,354.17	443,117.25	7,224.75	98.40
OTHER CHARGES	3,302.62	6,318.00	225.65	3,888.29	2,429.71	61.54
TOTAL METER SERVICE	404,377.24	865,294.00	78,959.31	828,210.86	37,083.14	95.71
TOTAL FINANCE	808,579.12	1,323,496.00	130,354.37	1,262,866.78	60,629.22	95.42

HUMAN RESOURCE

00-NON-PROGRAM						
PERSONNEL SERVICES	95,815.98	102,427.00	12,430.58	101,450.02	976.98	99.05
SUPPLIES & MATERIALS	1,020.21	1,400.00	298.68	1,163.39	236.61	83.10
MAINTENANCE & REPAIRS	1,015.96	0.00	0.00	0.00	0.00	0.00
OCCUPANCY	3,347.69	3,561.00	312.76	3,554.48	6.52	99.82
CONTRACTUAL SERVICES	24.74	245.00	7.00	37.00	208.00	15.10
OTHER CHARGES	12,887.92	15,682.00	5,528.40	14,583.12	1,098.88	92.99
TOTAL 00-NON-PROGRAM	114,112.50	123,315.00	18,577.42	120,788.01	2,526.99	97.95
TOTAL HUMAN RESOURCE	114,112.50	123,315.00	18,577.42	120,788.01	2,526.99	97.95

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
INFORMATION TECHNOLOGY						
00-NON-PROGRAM						
PERSONNEL SERVICES	103,188.31	143,902.00	18,478.48	114,735.46	29,166.54	79.73
SUPPLIES & MATERIALS	7,710.40	23,613.00	6,961.83	17,923.85	5,689.15	75.91
MAINTENANCE & REPAIRS	39,675.78	93,107.00	13,496.85	87,618.66	5,488.34	94.11
OCCUPANCY	6,131.99	8,535.00	976.93	8,312.43	222.57	97.39
CONTRACTUAL SERVICES	11,849.07	10,216.00	6,550.00	9,912.76	303.24	97.03
OTHER CHARGES	3,822.62	6,684.00	64.47	5,855.33	828.67	87.60
CAPITAL OUTLAY	18,250.21	10,000.00	0.00	0.00	10,000.00	0.00
TOTAL 00-NON-PROGRAM	190,628.38	296,057.00	46,528.56	244,358.49	51,698.51	82.54
TOTAL INFORMATION TECHNOLOGY	190,628.38	296,057.00	46,528.56	244,358.49	51,698.51	82.54
POLICE						
ADMINISTRATION						
PERSONNEL SERVICES	315,105.79	443,973.00	50,740.50	438,259.19	5,713.81	98.71
SUPPLIES & MATERIALS	33,339.18	30,098.00	3,544.89	26,539.56	3,558.44	88.18
MAINTENANCE & REPAIRS	19,621.64	32,962.00	1,258.78	25,342.07	7,619.93	76.88
OCCUPANCY	53,591.58	57,556.00	3,057.72	51,324.38	6,231.62	89.17
CONTRACTUAL SERVICES	200,548.83	199,544.00	47,242.29	198,385.07	1,158.93	99.42
OTHER CHARGES	21,991.58	31,925.00	9,686.52	27,584.64	4,340.36	86.40
CAPITAL OUTLAY	63,990.00	38,970.00	0.00	38,965.56	4.44	99.99
TOTAL ADMINISTRATION	708,188.60	835,028.00	115,530.70	806,400.47	28,627.53	96.57
CODE ENFORCEMENT						
PERSONNEL SERVICES	41,685.94	54,043.00	6,348.11	53,663.70	379.30	99.30
SUPPLIES & MATERIALS	3,472.74	1,650.00	88.16	972.83	677.17	58.96
MAINTENANCE & REPAIRS	90.29	750.00	14.50	145.56	604.44	19.41
CONTRACTUAL SERVICES	60.00	10,367.00	175.00	7,040.00	3,327.00	67.91
OTHER CHARGES	3,272.79	9,225.00	9.92	3,447.01	5,777.99	37.37
TOTAL CODE ENFORCEMENT	48,581.76	76,035.00	6,635.69	65,269.10	10,765.90	85.84
EMERGENCY MANAGEMENT						
SUPPLIES & MATERIALS	0.00	2,300.00	0.00	511.32	1,788.68	22.23
MAINTENANCE & REPAIRS	0.00	1,647.00	1,173.79	1,280.73	366.27	77.76
OTHER CHARGES	0.00	1,000.00	0.00	725.48	274.52	72.55
TOTAL EMERGENCY MANAGEMENT	0.00	4,947.00	1,173.79	2,517.53	2,429.47	50.89
POLICE-CID						
PERSONNEL SERVICES	153,152.81	150,920.00	18,077.60	142,515.17	8,404.83	94.43
SUPPLIES & MATERIALS	5,096.24	3,400.00	573.22	2,885.35	514.65	84.86
MAINTENANCE & REPAIRS	329.38	1,097.00	243.62	467.17	629.83	42.59
CONTRACTUAL SERVICES	3,584.69	3,363.00	0.00	1,362.37	2,000.63	40.51
OTHER CHARGES	3,793.30	4,745.00	826.16	3,899.16	845.84	82.17
TOTAL POLICE-CID	165,956.42	163,525.00	19,720.60	151,129.22	12,395.78	92.42

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
POLICE-PATROL						
PERSONNEL SERVICES	1,076,602.83	1,262,973.00	141,150.69	1,206,406.09	56,566.91	95.52
SUPPLIES & MATERIALS	66,879.77	111,147.00	29,491.68	109,465.40	1,681.60	98.49
MAINTENANCE & REPAIRS	34,990.87	24,788.00	5,059.85	24,033.24	754.76	96.96
CONTRACTUAL SERVICES	21,810.22	21,890.00	482.31	19,243.91	2,646.09	87.91
OTHER CHARGES	9,234.61	12,800.00	696.76	5,747.81	7,052.19	44.90
CAPITAL OUTLAY	114,905.40	119,330.00	0.00	119,324.90	5.10	100.00
TOTAL POLICE-PATROL	1,324,423.70	1,552,928.00	176,881.29	1,484,221.35	68,706.65	95.58
POLICE-CRIME PREVENTION						
PERSONNEL SERVICES	83,605.68	86,717.00	8,896.56	82,660.08	4,056.92	95.32
SUPPLIES & MATERIALS	668.92	3,665.00	1,696.93	2,695.04	969.96	73.53
MAINTENANCE & REPAIRS	80.06	558.00	0.00	447.01	110.99	80.11
CONTRACTUAL SERVICES	561.90	1,500.00	440.37	972.37	527.63	64.82
OTHER CHARGES	1,472.87	1,150.00	476.35	613.85	536.15	53.38
TOTAL POLICE-CRIME PREVENTION	86,389.43	93,590.00	11,510.21	87,388.35	6,201.65	93.37
ANIMAL SERVICES						
PERSONNEL SERVICES	29,228.53	3,127.00	0.00	0.00	3,127.00	0.00
SUPPLIES & MATERIALS	1,912.84	6,705.00	341.06	2,873.46	3,831.54	42.86
MAINTENANCE & REPAIRS	822.08	1,350.00	193.91	1,133.89	216.11	83.99
CONTRACTUAL SERVICES	349.28	2,175.00	0.00	1,226.56	948.44	56.39
OTHER CHARGES	12,724.42	12,570.00	0.00	12,434.55	135.45	98.92
TOTAL ANIMAL SERVICES	45,037.15	25,927.00	534.97	17,668.46	8,258.54	68.15
TOTAL POLICE	2,378,577.06	2,751,980.00	331,987.25	2,614,594.48	137,385.52	95.01
FIRE-VOLUNTEER						
00-NON-PROGRAM						
PERSONNEL SERVICES	2,958.96	6,178.00	0.00	6,177.44	0.56	99.99
SUPPLIES & MATERIALS	65,563.64	51,122.00	14,945.01	28,358.03	22,763.97	55.47
MAINTENANCE & REPAIRS	31,461.55	101,862.00	(31,019.90)	51,838.37	50,023.63	50.89
OCCUPANCY	40,314.54	46,700.00	3,694.62	43,429.35	3,270.65	93.00
CONTRACTUAL SERVICES	22,977.30	31,040.00	933.37	28,746.96	2,293.04	92.61
OTHER CHARGES	21,364.81	29,688.00	4,702.50	28,442.11	1,245.89	95.80
CAPITAL OUTLAY	478,634.00	0.00	46,001.00	46,001.00	(46,001.00)	0.00
TOTAL 00-NON-PROGRAM	663,274.80	266,590.00	39,256.60	232,993.26	33,596.74	87.40
TOTAL FIRE-VOLUNTEER	663,274.80	266,590.00	39,256.60	232,993.26	33,596.74	87.40
MUNICIPAL COURT						
00-NON-PROGRAM						
PERSONNEL SERVICES	288,417.33	304,071.00	26,902.82	299,477.09	4,593.91	98.49
SUPPLIES & MATERIALS	12,021.28	11,050.00	277.37	9,909.82	1,140.18	89.68
MAINTENANCE & REPAIRS	12,568.87	14,010.00	0.00	13,601.95	408.05	97.09
OCCUPANCY	10,360.44	10,422.00	587.79	10,200.42	221.58	97.87
CONTRACTUAL SERVICES	22,427.67	53,539.00	21,573.25	50,516.84	3,022.16	94.36

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
OTHER CHARGES	6,815.18	8,913.00	918.79	7,633.29	1,279.71	85.64
TOTAL 00-NON-PROGRAM	352,610.77	402,005.00	50,260.02	391,339.41	10,665.59	97.35
TOTAL MUNICIPAL COURT	352,610.77	402,005.00	50,260.02	391,339.41	10,665.59	97.35
PLANNING & DEVELOPMENT						
00-NON-PROGRAM						
PERSONNEL SERVICES	445,543.45	470,654.00	58,795.37	467,399.48	3,254.52	99.31
SUPPLIES & MATERIALS	14,020.61	17,450.00	4,638.06	15,223.70	2,226.30	87.24
MAINTENANCE & REPAIRS	3,652.75	2,000.00	73.92	451.42	1,548.58	22.57
OCCUPANCY	10,002.08	13,000.00	954.22	11,114.89	1,885.11	85.50
CONTRACTUAL SERVICES	138,020.86	356,390.00	14,901.72	171,759.64	184,630.36	48.19
OTHER CHARGES	37,402.94	45,810.00	1,530.37	42,081.34	3,728.66	91.86
CAPITAL OUTLAY	5,500.00	0.00	0.00	0.00	0.00	0.00
TOTAL 00-NON-PROGRAM	654,142.69	905,304.00	80,893.66	708,030.47	197,273.53	78.21
TOTAL PLANNING & DEVELOPMENT	654,142.69	905,304.00	80,893.66	708,030.47	197,273.53	78.21
HEALTH						
00-NON-PROGRAM						
CONTRACTUAL SERVICES	47,350.64	0.00	0.00	0.00	0.00	0.00
TOTAL 00-NON-PROGRAM	47,350.64	0.00	0.00	0.00	0.00	0.00
TOTAL HEALTH	47,350.64	0.00	0.00	0.00	0.00	0.00
PUBLIC WORKS						
ADMINISTRATION						
PERSONNEL SERVICES	620,136.95	656,258.00	73,998.36	647,543.86	8,714.14	98.67
SUPPLIES & MATERIALS	81,263.28	91,524.00	15,929.93	81,402.98	10,121.02	88.94
MAINTENANCE & REPAIRS	62,879.27	55,177.00	5,073.07	50,109.40	5,067.60	90.82
OCCUPANCY	10,932.82	14,010.00	1,148.24	11,114.16	2,895.84	79.33
CONTRACTUAL SERVICES	22,809.78	51,159.00	21,957.75	49,929.91	1,229.09	97.60
OTHER CHARGES	62,853.70	64,715.00	(53,614.53)	6,203.10	58,511.90	9.59
CAPITAL OUTLAY	68,677.80	155,000.00	125,263.82	155,000.00	0.00	100.00
TOTAL ADMINISTRATION	929,553.60	1,087,843.00	189,756.64	1,001,303.41	86,539.59	92.04
RECREATION						
CONTRACTUAL SERVICES	39,500.00	42,500.00	9,875.00	40,049.00	2,451.00	94.23
TOTAL RECREATION	39,500.00	42,500.00	9,875.00	40,049.00	2,451.00	94.23
PARKS						
PERSONNEL SERVICES	454,611.95	525,615.00	52,739.48	443,946.73	81,668.27	84.46
SUPPLIES & MATERIALS	42,221.42	39,944.00	5,764.44	34,124.88	5,819.12	85.43
MAINTENANCE & REPAIRS	41,018.65	60,211.00	7,742.74	56,003.73	4,207.27	93.01
OCCUPANCY	49,248.29	71,960.00	8,474.88	65,093.64	6,866.36	90.46
CONTRACTUAL SERVICES	12,566.84	22,075.00	3,600.61	20,275.91	1,799.09	91.85
OTHER CHARGES	6,808.60	7,722.00	839.30	6,548.48	1,173.52	84.80
CAPITAL OUTLAY	41,467.98	66,257.00	15,294.31	61,447.31	4,809.69	92.74
TOTAL PARKS	647,943.73	793,784.00	94,455.76	687,440.68	106,343.32	86.60

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
BUILDING MAINTENANCE						
PERSONNEL SERVICES	150,421.25	161,697.00	17,871.42	151,424.40	10,272.60	93.65
SUPPLIES & MATERIALS	7,229.11	13,951.00	2,740.08	13,642.14	308.86	97.79
MAINTENANCE & REPAIRS	2,894.55	1,500.00	10.96	913.97	586.03	60.93
OCCUPANCY	347.54	600.00	53.23	458.26	141.74	76.38
CONTRACTUAL SERVICES	1,783.06	1,490.00	181.08	1,358.62	131.38	91.18
OTHER CHARGES	92.58	366.00	189.86	365.56	0.44	99.88
TOTAL BUILDING MAINTENANCE	162,768.09	179,604.00	21,046.63	168,162.95	11,441.05	93.63
TOTAL PUBLIC WORKS	1,779,765.42	2,103,731.00	315,134.03	1,896,956.04	206,774.96	90.17
LIBRARY						
00-NON-PROGRAM						
PERSONNEL SERVICES	470,235.15	517,972.00	56,528.18	501,334.11	16,637.89	96.79
SUPPLIES & MATERIALS	62,685.72	63,940.50	(382.23)	63,182.91	757.59	98.82
MAINTENANCE & REPAIRS	14,614.31	17,196.50	1,366.40	16,053.52	1,142.98	93.35
OCCUPANCY	37,899.29	43,039.00	3,837.42	42,397.87	641.13	98.51
CONTRACTUAL SERVICES	18,836.30	19,125.00	310.00	18,435.40	689.60	96.39
OTHER CHARGES	11,893.70	11,311.00	550.48	9,814.68	1,496.32	86.77
TOTAL 00-NON-PROGRAM	616,164.47	672,584.00	62,210.25	651,218.49	21,365.51	96.82
TOTAL LIBRARY	616,164.47	672,584.00	62,210.25	651,218.49	21,365.51	96.82
BEDC ADMINISTRATION						
00-NON-PROGRAM						
TOTAL						
TOTAL						
*** TOTAL EXPENSES ***	9,209,285.27	11,322,964.00	1,607,828.92	10,541,281.72	781,682.28	93.10
	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	554,781.55	(919,597.00)	(662,261.99)	473,289.80	(1,392,886.80)	51.47-

*** END OF REPORT ***

CITY OF BASTROP
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

202-WATER/WASTEWATER FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
CHARGES FOR SERVICES						
TOTAL						
WATER REVENUES						
00-00-4101 WATER SALES-RESIDENTIAL	1,212,648.73	1,362,500.00	122,021.00	1,332,856.09	29,643.91	97.82
00-00-4102 WATER SALES-COMMERCIAL	1,035,845.03	1,100,900.00	106,101.07	1,162,132.55	(61,232.55)	105.56
00-00-4150 PENALTIES	30,668.97	32,700.00	3,499.78	34,277.00	(1,577.00)	104.82
00-00-4152 WATER TAPPING FEES	8,775.00	1,000.00	300.00	9,650.00	(8,650.00)	965.00
00-00-4154 WATER SERVICE FEES	21,468.00	26,000.00	1,275.00	21,105.00	4,895.00	81.17
00-00-4156 OTHER	0.00	0.00	0.00	300.00	(300.00)	0.00
TOTAL WATER REVENUES	2,309,405.73	2,523,100.00	233,196.85	2,560,320.64	(37,220.64)	101.48
WASTEWATER REVENUES						
00-00-4201 WASTEWATER SALES-RESIDENTIAL	824,620.62	904,700.00	57,800.92	888,404.01	16,295.99	98.20
00-00-4202 WASTEWATER SALES-COMMERCIAL	639,521.67	686,700.00	48,119.04	705,928.68	(19,228.68)	102.80
00-00-4250 PENALTIES	19,999.09	23,980.00	1,824.98	25,004.41	(1,024.41)	104.27
00-00-4252 SEWER TAPPING FEES	4,950.00	1,000.00	0.00	2,250.00	(1,250.00)	225.00
00-00-4253 SEPTIC TANK DUMP FEES	60,478.46	100,000.00	0.00	0.00	100,000.00	0.00
00-00-4256 OTHER	0.00	0.00	0.00	560.00	(560.00)	0.00
TOTAL WASTEWATER REVENUES	1,549,569.84	1,716,380.00	107,744.94	1,622,147.10	94,232.90	94.51
OTHER REVENUE						
TOTAL						
INTEREST INCOME						
00-00-4400 INTEREST RECEIPTS	2,662.00	3,000.00	307.27	3,631.77	(631.77)	121.06
TOTAL INTEREST INCOME	2,662.00	3,000.00	307.27	3,631.77	(631.77)	121.06
MISCELLANEOUS						
00-00-4512 SALE OF FIXED ASSETS	0.00	0.00	0.00	9,541.00	(9,541.00)	0.00
00-00-4519 BACKFLOW TESTING COST	6,200.00	4,000.00	1,900.00	3,400.00	600.00	85.00
00-00-4547 BY THE WAY CAMPGROUND	28,830.97	22,000.00	0.00	9,755.34	12,244.66	44.34
00-00-4548 LCRA/WCID	70,609.50	70,000.00	8,733.00	96,925.65	(26,925.65)	138.47
TOTAL MISCELLANEOUS	105,640.47	96,000.00	10,633.00	119,621.99	(23,621.99)	124.61
TRANSFERS-IN						
TOTAL						

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

202-WATER/WASTEWATER FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
OTHER SOURCES						
00-00-4810 INSURANCE PROCEEDS	398.46	0.00	0.00	0.00	0.00	0.00
TOTAL OTHER SOURCES	398.46	0.00	0.00	0.00	0.00	0.00
** TOTAL REVENUE **	3,967,676.50	4,338,480.00	351,882.06	4,305,721.50	32,758.50	99.24
	=====	=====	=====	=====	=====	=====

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

202-WATER/WASTEWATER FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT						
00-NON-PROGRAM						
TOTAL						
TOTAL						
WATER/WASTEWATER DEPT.						
ADMINISTRATION						
PERSONNEL SERVICES	705,805.66	705,083.00	90,786.36	704,459.24	623.76	99.91
SUPPLIES & MATERIALS	37,143.63	39,081.00	1,675.57	33,785.52	5,295.48	86.45
MAINTENANCE & REPAIRS	11,279.68	13,069.00	2,062.16	10,386.57	2,682.43	79.47
OCCUPANCY	21,034.30	23,470.00	1,394.19	20,798.00	2,672.00	88.62
CONTRACTUAL SERVICES	685,706.52	785,355.00	136,181.03	782,227.44	3,127.56	99.60
OTHER CHARGES	35,314.91	51,108.00	1,392.94	45,264.59	5,843.41	88.57
DEBT SERVICE	756,907.77	1,414,728.00	78,330.32	1,232,614.03	182,113.97	87.13
TRANSFERS OUT	171,684.00	0.00	(157,666.74)	0.00	0.00	0.00
TOTAL ADMINISTRATION	2,424,876.47	3,031,894.00	154,155.83	2,829,535.39	202,358.61	93.33
W/WW DISTRIBUT/COLLECT						
SUPPLIES & MATERIALS	17,475.04	43,518.00	29,656.22	43,208.17	309.83	99.29
MAINTENANCE & REPAIRS	139,442.93	48,400.00	(24,162.77)	41,058.53	7,341.47	84.83
CONTRACTUAL SERVICES	1,911.55	3,630.00	970.05	3,039.95	590.05	83.75
OTHER CHARGES	582.00	1,500.00	316.00	1,271.70	228.30	84.78
CAPITAL OUTLAY	0.00	15,000.00	0.00	0.00	15,000.00	0.00
TOTAL W/WW DISTRIBUT/COLLECT	159,411.52	112,048.00	6,779.50	88,578.35	23,469.65	79.05
WATER PRODUCTION/TREAT						
SUPPLIES & MATERIALS	27,027.68	35,241.00	2,695.60	34,680.84	560.16	98.41
MAINTENANCE & REPAIRS	120,130.45	86,105.00	14,846.31	82,320.66	3,784.34	95.60
OCCUPANCY	113,655.48	116,000.00	14,689.16	131,037.31	(15,037.31)	112.96
CONTRACTUAL SERVICES	95,011.15	107,000.00	17,624.20	106,849.26	150.74	99.86
TOTAL WATER PRODUCTION/TREAT	355,824.76	344,346.00	49,855.27	354,888.07	(10,542.07)	103.06
WW TREATMENT PLANT						
SUPPLIES & MATERIALS	19,256.59	31,630.00	4,554.94	30,414.97	1,215.03	96.16
MAINTENANCE & REPAIRS	116,984.45	150,416.00	18,429.61	144,515.74	5,900.26	96.08
OCCUPANCY	149,198.84	177,713.00	16,125.39	162,674.78	15,038.22	91.54
CONTRACTUAL SERVICES	72,002.08	62,973.00	6,434.00	62,946.54	26.46	99.96
TOTAL WW TREATMENT PLANT	357,441.96	422,732.00	45,543.94	400,552.03	22,179.97	94.75
TOTAL WATER/WASTEWATER DEPT.	3,297,554.71	3,911,020.00	256,334.54	3,673,553.84	237,466.16	93.93
*** TOTAL EXPENSES ***	3,297,554.71	3,911,020.00	256,334.54	3,673,553.84	237,466.16	93.93
	=====	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	670,121.79	427,460.00	95,547.52	632,167.66	(204,707.66)	147.89

C I T Y O F B A S T R O P
FINANCIAL STATEMENT
AS OF: SEPTEMBER 30TH, 2015

202-WATER/WASTEWATER FUND

	PRIOR	CURRENT	M-T-D	Y-T-D	BUDGET	% OF
EXPENDITURES	Y-T-D	BUDGET	ACTUAL	ACTUAL	BALANCE	BUDGET

*** END OF REPORT ***

C I T Y O F B A S T R O P
 FINANCIAL STATEMENT
 AS OF: SEPTEMBER 30TH, 2015

501-HOTEL/MOTEL TAX FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
TAXES & PENALTIES						
00-00-4007 MOTEL/HOTEL TAX RECEIPTS	2,737,815.88	2,793,500.00	297,999.34	2,850,061.97	(56,561.97)	102.02
TOTAL TAXES & PENALTIES	2,737,815.88	2,793,500.00	297,999.34	2,850,061.97	(56,561.97)	102.02
INTEREST INCOME						
00-00-4400 INTEREST EARNED	1,432.72	3,500.00	156.38	1,905.45	1,594.55	54.44
TOTAL INTEREST INCOME	1,432.72	3,500.00	156.38	1,905.45	1,594.55	54.44
INTERGOVERNMENTAL						
TOTAL						
MISCELLANEOUS						
00-00-4514 MISCELLANEOUS INCOME	0.00	0.00	0.00	152.81	(152.81)	0.00
TOTAL MISCELLANEOUS	0.00	0.00	0.00	152.81	(152.81)	0.00
** TOTAL REVENUE **	2,739,248.60	2,797,000.00	298,155.72	2,852,120.23	(55,120.23)	101.97
	=====	=====	=====	=====	=====	=====

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2015

501-HOTEL/MOTEL TAX FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT						
00-NON-PROGRAM						
TOTAL						
TOTAL						
HOTEL/MOTEL TAX FUND						
00-NON-PROGRAM						
CONTRACTUAL SERVICES	1,277,710.50	1,500,139.00	(81,758.39)	1,400,630.15	99,508.85	93.37
OTHER CHARGES	31,708.81	45,000.00	12,218.87	26,175.77	18,824.23	58.17
TRANSFERS OUT	1,186,570.00	1,484,039.00	373,973.37	1,484,039.00	0.00	100.00
TOTAL 00-NON-PROGRAM	2,495,989.31	3,029,178.00	304,433.85	2,910,844.92	118,333.08	96.09
TOTAL HOTEL/MOTEL TAX FUND	2,495,989.31	3,029,178.00	304,433.85	2,910,844.92	118,333.08	96.09
*** TOTAL EXPENSES ***						
	2,495,989.31	3,029,178.00	304,433.85	2,910,844.92	118,333.08	96.09
REVENUES OVER/ (UNDER) EXPENDITURES						
	243,259.29	(232,178.00)	(6,278.13)	(58,724.69)	(173,453.31)	25.29
*** END OF REPORT ***						

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 10, 2015MEETING DATE: November 10, 2015

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION Regarding Approval of the First Amendment to Amended and Restated Development Agreement

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No X

This amendment to the Amended and Restated Development Agreement for the XS Ranch Municipal Utility District, and it provides that: 1) the Public Improvement District (PID) will not be annexed until 10 years after the first PID bond issuance, and 2) upon annexation of the XS Ranch Pubic Improvement District (PID), created by City Council on August 11, 2015, the City shall assume all debts, labilities, and obligations relating to the PID (which is the same 'debt assumption obligation requirement the Agreement sets out for the MUDs.) The Development Agreement was created before a PID was proposed. It originally addressed only MUD annexation and did not include any provisions related to PID annexation. So, the Developer has provided this Amendment for the City Council's consideration and approval so that the City will have similar (or even sooner) annexation abilities and terms related to the PID.

4. Policy Implication: None.

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

- a) _____
 b) _____
 c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager’s Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF BASTROP AND XS RANCH FUND VI, LP**

This First Amendment to the Amended and Restated Development Agreement ("First Amendment") between the City of Bastrop, a home rule city located in Bastrop County ("City") and XS Ranch Fund VI, LP ("Owner") is made and entered into by and among the undersigned, effective as of _____, 2015 (the "Effective Date").

RECITALS:

A. City and Owner entered into that certain Amended and Restated Development Agreement on or about November 12, 2014, with an effective date of November 19, 2009 ("Agreement").

B. On August 24, 2015, City created a Public Improvement District ("PID") on land described in **Exhibit "A"** ("PID Property") and located within the extraterritorial jurisdiction of the City and within Bastrop County, Texas.

C. City and Owner desire to outline the terms and conditions of the eventual annexation of the PID Property into the full purpose limits of City in accordance with the terms, covenants, and provisions of this Amendment.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements, the parties agree that the Development Agreement is amended as follows:

1. Annexation of PID Property. City agrees not to annex the PID Property until ten (10) years after the first PID bond issuance. Upon annexation of the PID Property, City shall concurrently assume all and debts, liabilities, and obligations relating to the PID.

2. Recordation of City Annexation; Release of Lien. City shall record with the Bastrop County Clerk a copy of any City ordinance, resolution, or action annexing the PID Property, and shall include in such recordation the instrument numbers of, or copies of, any liens on the property relating to PID indebtedness. Upon recordation of such City document, all such liens shall be automatically released with no further action required.

3. Miscellaneous.

a. All terms and conditions of the Amended and Restated Agreement not expressly modified by this First Amendment shall remain in full force and effect, and, in the event of any inconsistencies between this First Amendment and the terms of the Amended and Restated Agreement, the terms set forth in this First Amendment shall govern and control. Except as expressly amended hereby, the Amended and Restated Agreement shall remain in full force and effect.

b. All terms used in this First Amendment shall have the meanings ascribed to them under the Amended and Restated Agreement unless defined differently or the context clearly requires otherwise.

c. This First Amendment may be executed in one or more counterparts which shall be construed together as one document. For purposes of the execution hereof, telecopied signatures may be treated as originals.

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED
DEVELOPMENT AGREEMENT**

SIGNATURE PAGE

CITY OF BASTROP

By: _____
Name: Ken Kesselus
Title: Mayor of the City of Bastrop
Date: _____

ATTEST:

By: _____
Name: Ann Franklin
Title: City of Bastrop Secretary

STATE OF TEXAS §

COUNTY OF BASTROP §

 This instrument was acknowledged before me the ____ day of _____, 2015, by
_____, _____ City of Bastrop, Texas, on behalf of City.

Notary Public Signature

**FIRST AMENDMENT TO THE
AMENDED AND RESTATED
DEVELOPMENT AGREEMENT**

SIGNATURE PAGE

XS RANCH FUND VI, L.P.

By: XS Ranch VI Manager, L. P.,
its general partner

By: Coast Range Investments, LLC,
its general partner

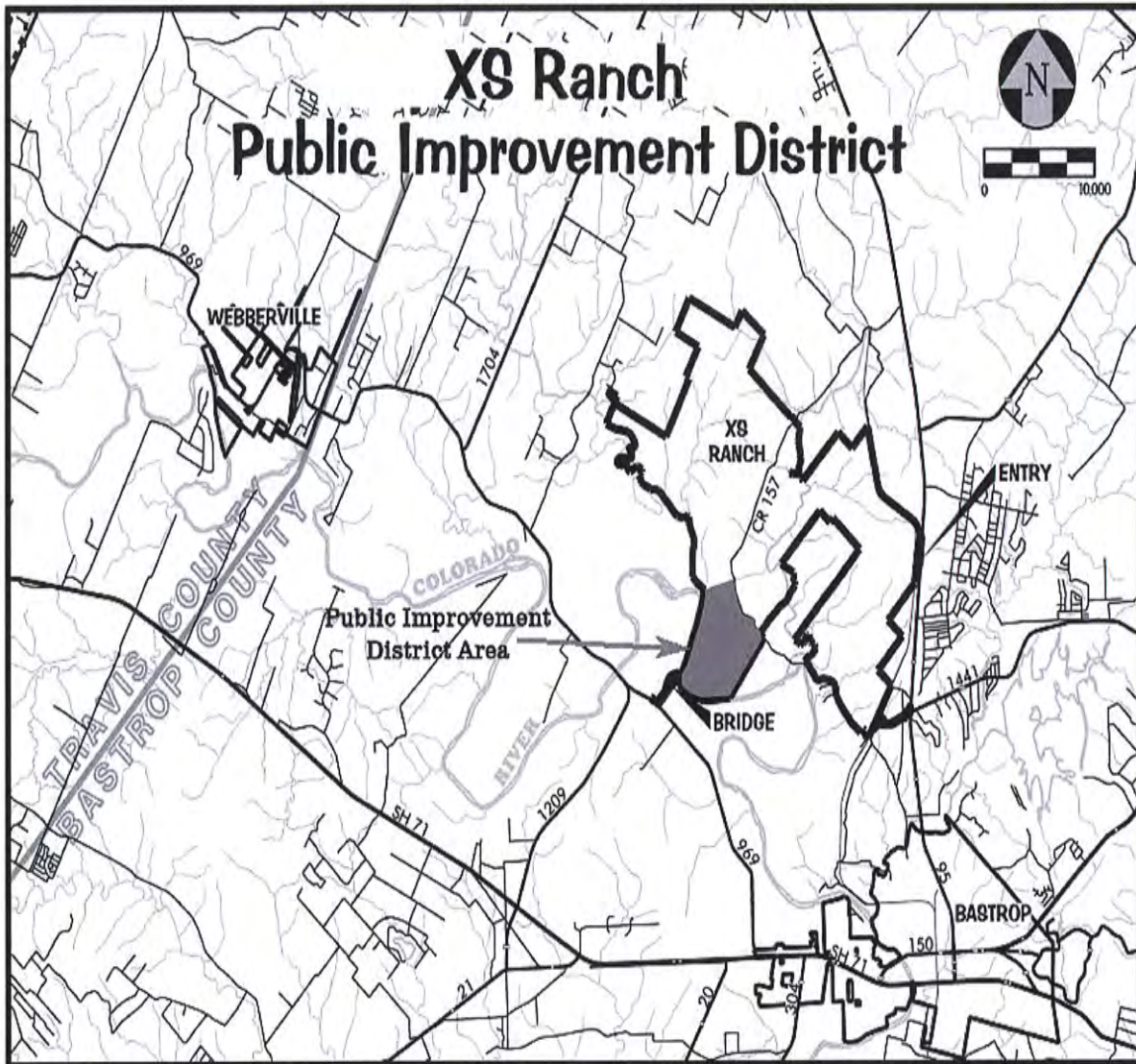
By: _____
James P. Foster
Manager

Date: _____

INSERT STATE OF CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

EXHIBIT "A"

PID PROPERTY



STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015MEETING DATE: November 10, 2015

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING WAIVING ALL CITY OF BASTROP BUILDING PERMITS FOR THOSE INDIVIDUALS WHO LOST THEIR RESIDENTIAL STRUCTURES FROM THE RECENT FIRE OR FLOOD AND DECIDE TO REBUILD TO REBUILD THEIR HOMES BACK IN THE CITY LIMITS OF THE CITY OF BASTROP.**

2. Party Making Request: Mayor Pro-Tem De La Rosa/Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No X

Mayor Pro-Tem De La Rosa and I had a discussion prior to this evening Council meeting on how the City of Bastrop could be of assistance to those individuals who recently lost their homes in the recent fire and flood in Bastrop County. It was suggested that those individuals may decide to rebuild their homes in the City of Bastrop. One way the City of Bastrop could be of assistance if some of these individuals decide to rebuild in the City of Bastrop, the City Council could approve to waive the cost of the City "Building Permit Fees" associated with re-building their residential structures in the City of Bastrop. The City Council did adopt this same policy for individuals who lost their homes in the 2011 fire. The only requirement that Council placed on this policy back in 2011 was that the individuals were required show proof to the City Planning Department that they actually lost their residential structure as a result of the fire and in this case it would be as a result of the fire or flood.

4. Policy Implication: None.

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**

a) _____
b) _____
c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 6, 2015MEETING DATE: November 10, 2015

1. Agenda Item: Update from the City Manager on the status of the SOAH Hearing, pending before the Honorable Michael J. O'Malley, related to the City's Production Permit for Water Well No. 1.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No X
The SOAH Hearing is scheduled to begin on Monday, November 9, 2015. This will be a brief update to inform the citizens of the hearing and that it is open to the public.

4. Policy Implication: None.

5. Budgeted: _____ Yes _____ No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____
